LAW
VERSUS
LAWLESSNESS

CITIZENSHIP CONFERENCE ADDRESSES

FRED B. SMITH, EDITOR

Presented to
Bonebrake
Theological Seminary
Library
Dayton, Ohio

by

Mrs. H. H. Fout
in memory of
Bishop H. H. Fout

LAW vs. LAWLESSNESS

Law vs. Lawlessness

ADDRESSES DELIVERED AT THE CITIZENSHIP CONFERENCE, WASHINGTON, D. C. OCTOBER 13, 14, 15, 1923

EDITED BY
FRED B. SMITH

LIBRARY OF
Bonebrake Theological Seminary
HV
5089
.S62
1924
9,017

NEW YORK CHICAGO
Fleming H. Revell Company
LONDON AND EDINBURGH

Copyright, 1924, by
FLEMING H. REVELL COMPANY

New York: 158 Fifth Avenue
Chicago: 17 North Wabash Ave.
London: 21 Paternoster Square
Edinburgh: 75 Princes Street

Introduction

THE Citizenship Conference held in Washington, D. C., on October 13, 14, 15, 1923, was one of the most remarkable and inspiring gatherings ever held in the national capital. It was the uprising of the citizenship of the country, showing their aroused concern at the flagrant violations of law now taking place, with particular reference to the Eighteenth Amendment and the Enforcing Acts.

There was a unanimous demand on the part of the delegates that the addresses delivered at the Conference should be gathered together in permanent form, for not only did they electrify all those who heard them delivered, but they constitute an invaluable manual for the carrying on of a campaign for law enforcement and patriotic citizenship. Every one of the messages made history. They have already changed policies and altered programs, and no worker in any part of the country can afford to be without this book, which crystallizes the best thought of the country on the vital importance in upholding, maintaining and enforcing the fundamental law of the country.

A brief statement of the history as to how and why the Conference happened might be of value, as may also an interpretation of the depth of feel-

ing throughout the country over the tendency to disregard the law and the unique attack being made upon prohibition measures.

In the autumn of 1922, several high officials of the Government brought to the attention of some citizens the impression forced upon them that the Churches, the religious organizations and the people generally were not supporting the officers in their effort to enforce these laws, as much as ought to be expected, and in a manner necessary to make the laws effective.

On July 24, 1923, Commissioner Haynes, the Federal Prohibition Commissioner, was interviewed and strongly reflected the same view, and expressed the hope that some effort would be made to arouse common sentiment to supplement the work being done by State and Federal officers.

In response to this request a few men met in New York City on July 27, and decided to undertake a Citizenship Conference upon this issue, provided two hundred could be enlisted to become the Convening Committee. A letter was sent out to various types of leaders in religious and social work, requesting the use of their names upon such a Committee.

Although this message was issued in midsummer replies poured in from all over the country giving hearty endorsement, and in a few days over eight hundred had become members of the Convening Committee.

The Washington Conference was characterized by a directness of purpose and action, singlemind-

edness of spirit and a rising tide of patriotic fervor such as has not been witnessed in years.

This book is issued in the profound hope that its readers may find in it the strongest possible incentive to continue the fight until it has achieved the realization of Abraham Lincoln—that "reverence for law may become the political religion of the nation."

FRED B. SMITH.

105 East 22nd St.,
New York, N. Y.

THE PRESIDENT AND THE CONFERENCE

THE President of the United States gave striking evidence of his interest in the Washington Conference by honoring the gathering in attending the session on Sunday night, October 14th, and gave additional proof of his sympathy by receiving the entire Conference at the White House on Monday, October 15th.

Within five days the Governors of the various States in the Union were received as guests at the White House, when prohibition enforcement was the topic. In his remarkably fine address the President voiced his confidence that the citizenship of America has not lost, and will not lose, their loyalty to law. Perhaps no higher point of patriotism can be reached than in the following remarks made by President Calvin Coolidge:

"These problems must be taken directly to the American people. This Government is their government—these laws are their laws. They have formed their government and enacted their laws, with all due solemnity, to promote their welfare and protect their liberties. They are not a nation of inebriates; they are not a people who can be charged with being hypocrites. They have no patience with anarchy. They are a sober, frank and candid people. They have respect and reverence for duly constituted authority.

To them the law is a rule of action. Fundamental national characteristics are not going to be changed. These fundamental conceptions are going to remain permanent. The great body of the people are thoroughly law-abiding, and this great law-abiding element of the nation is entitled to support and protection. I propose to give that support and protection to the limit provided by the Constitution and the law of the land against every lawless element."

The Chief Executive of the American people has thus given abundant proof of his profound interest in the cause for which the Conference was called and indicated his wholehearted co-operation with all the forces of law and order in the country. This encouragement brought feelings of great hope and confidence to the assembled delegation.

Contents

INTRODUCTION 5
FRED B. SMITH,
Chairman, Executive Committee, Washington Conference.

I. OPENING ADDRESS 15
BISHOP WILLIAM FRASER MCDOWELL, D.D., LL.D.,
Methodist Episcopal Church.

II. THE FACTS OF PROHIBITION ENFORCEMENT 21
HON. ROY A. HAYNES,
United States Federal Prohibition Commissioner.

III. THE CHALLENGE OF FINISHING THE TASK 41
DR. ERNEST H. CHERRINGTON,
Secretary, World League Against Alcohol.

IV. THE SOCIAL PERILS OF LAWLESSNESS . 46
MRS. RAYMOND ROBINS,
Social Economist, Chicago, Ill.

V. THE COURTS AND LAW ENFORCEMENT. 54
JUSTICE FLORENCE E. ALLEN,
Supreme Court of the State of Ohio.

VI. INTEGRITY OF LAW ESSENTIAL TO THE MORALITY OF THE NATION . . 63
RABBI STEPHEN S. WISE, D.D.,
Free Synagogue, New York City.

VII. Violation of the Law,—Its Significance In Economic Life . . 70
Hon. Carter Glass,
United States Senator from Virginia.

VIII. The Department of Justice and Some Problems of Enforcement 78
Hon. Mabel Walker Willebrandt,
Assistant Attorney-General of the United States.

IX. The State Government and Law Enforcement 94
Hon. Gifford Pinchot,
Governor of Pennsylvania.

X. The Fruits of Prohibition . . . 107
Hon. William Jennings Bryan,
Publicist and Statesman.

XI. The People and the Eighteenth Amendment 119
Hon. Henry J. Allen,
Ex-Governor of Kansas.

XII. Law Observance and the Schools . 131
Clarence A. Barbour, D.D.,
President, Rochester Theological Seminary.

XIII. The Responsibility of the United Christian Churches and Religious Organizations . . . 139
Rev. Charles R. Zahniser,
Executive Secretary, Pittsburgh Federation of Churches.

XIV. Preservation of Law and Its Significance to American Democracy 149
Hon. Louis Marshall,
Member, American and New York Bar Associations.

XV. Shall the Constitution of the United States Be Nullified? . 163
Hon. William E. Borah,
United States Senator from Idaho.

XVI. The Conference Message to the American People 181
Joseph Fort Newton, D.D.,
Church of the Divine Paternity, City of New York (Chairman of Committee).

I

OPENING ADDRESS

BISHOP WILLIAM FRASER McDOWELL, D.D., LL.D.,

Methodist Episcopal Church.

THE people of Washington proudly welcome you all to your own city. Every American living outside of this District has two homes, the one in which he lives and pays or evades taxes, and the other this capital which belongs to the entire nation. To this place many forces and influences naturally flow, some good, some bad; some noble, some base. From it go many laws, some wise, some unwise, some beneficial, some doubtful. On the whole, life at the capital of the nation keeps about the same level as that maintained throughout the nation itself. If the tone of life at large be low, it will show itself here in a life that is off the true key of national well-being. If the morale of the states and their citizens be slack, if their devotion to law and ideals be weak, the capital will be a sorry spectacle for men and not fit for angels to look upon at all. You are come up for these few days from all over the conntry not for a festival, a pageant or a ceremonial. Washington is happily familiar with such gatherings of her people from everywhere and proudly lends her spacious ways to their use. But you are come for

sober work, as serious men and women, to consider the very life of the Republic. For forces are at work, as you know, that tend to destroy, that if not arrested *will* destroy, the nation itself. This is no holiday visit you are making, but is an earnest gathering of earnest people for solemn, brave business. And you are come not as partisans, not as Republicans or Democrats, but as citizens and patriots. After Concord and Lexington, in our early history, Patrick Henry sent word to Massachusetts: "I am not a Virginian, I am an American." And that spirit made the young Republic.

We here, today, belong to many parties, represent many creeds, have in our veins the blood of many nations, but all of us are Americans with resolution in our hearts and a common purpose in our wills. The American people love liberty. They would fight and die for it. Some of them would do nearly anything except the one thing necessary to secure and preserve it. For there can be no liberty except liberty based upon law, upon law secured by orderly and proper process, and obeyed everywhere and by everybody. If we love liberty as our fathers did, we must perpetuate it against all foes by an unfaltering devotion to the Constitution and the law. We cannot deceive ourselves. We are in a fight today, not for an individual measure, but through a particular issue, for the very existence of the Constitution, of the Union, of the Government.

A mighty evil, mad with its own power, purple with its own greed, and red with its own defiance

of right and law is doing its worst to destroy civil liberty, religious freedom, order under law, and the security of any right under the flag. For if lawlessness at this point be not destroyed it will destroy obedience to law at all other points, and with it the very nation itself. We have the eternal principle of the divided house right before our eyes again. The nation cannot exist half slave and half free, half drunk and half sober, half wet and half dry, half under law and half above it, half obedient and half defiant. We have many classes in the United States. We have no classes that are exempt from the laws of the United States. We have many sections in our common country. But the flag flies over all alike, the laws of the country extend to all alike. We have many laws that we do not all or always like, but we have no classes that are privileged to choose whether they will regulate their obedience by their tastes or by their skill in defiance. Liberty under law is matched by the fundamental principle of equality before the law. That way our life as a nation lies. Any other way is the way to national death. And already we have too much bad blood, too many dangerous germs in our system.

We are always having elections. We are within a year of our supreme quadrennial election. Usually we are interested in measures and policies, in taxes and tariffs, in finances and transportation, in prices and wages. And all this is well, but our current elections and our next great election center in the essential principle of government itself.

"Therefore," as George William Curtis said, a half-century ago, "there must be no doubt about our leaders. They must not prevaricate, or stand in the fog, or use the language of the demagogue to deceive the public while they seek public favor." If they are for the Constitution, let them be for it, and not half way for it and half way against it. The enforcement of laws must be in the hands of men who believe in the laws they are sworn to enforce and who will neither falter in their duty nor palter with their consciences. They must be men whose palms will not itch for bribes, whose tongues will not blister with lies, whose arms will not be palsied with fear, whose minds will not be clouded with evasions.

We have had a long war to gain what we now have. We have not the slightest intention of yielding now the victory we have won in the long struggle. The liquor traffic all along the long line of battle has always maintained a criminal attitude toward every law designed to regulate it. It now strikes at law itself. We know that the evasion of one law, whether by favored groups, or by large numbers leads straight to anarchy and contempt for all law. A public wrong is not a private right for any man or group of men in the republic.

Therefore, we are summoned and have come up to enlist anew in the great fight for freedom under law, for decency and a sober life under the flag, for the obedience of all classes to all laws while those laws stand in constitution and statute. Shall the saloon come back into our homes through the front

door? No, ten thousand times no. Then in the name of decency let it not come back through the cellar door or the back door. Shall it come back through the upper world, with the approval of our best citizens upon its return? Then in the name of honor let it not come back through the underworld of our life, with only the blessing of criminals and law breakers upon it.

Tonight, you will see the white dome of the Capitol yonder as it shines in its high splendor. While you are here, you will see again the Washington shaft piercing the sky, and perhaps, for the first time, the monument to Lincoln in its majestic beauty. Citizens of the republic, coming from your homes to your capital, let us here highly resolve that there shall be no compromise with lawlessness and no nullification of law anywhere within our borders. To such resolution Washington solemnly bids you welcome.

We have heard a good deal about making the world safe for democracy. But a lawless democracy is not safe for the world. Our task is the creative task of making a democracy that is strong within itself and that can go anywhere. Grim old Thomas Carlyle was always asking: "Wilt thou be a hero or a coward?" And a living journalist has declared that there is a hero and a coward in each one of us. Probably this is true of the nation itself. It is for us in these days and the days that follow to give the right answer to Carlyle's question, remembering that nothing is good enough which is not as good as it can be.

On a certain avenue in this city three men live in near neighborhood to one another. One of them you will hear with delight on Monday when the brilliant Senator from Idaho speaks upon this question: "Shall the Constitution of the United States Be Nullified?" Another of the three living in the same block is now speaking. This one brings his own remarks to a conclusion and a climax by a quotation from the third, who is really the first of these neighbors. He said:

"It is now the duty of every good citizen, no matter what his previous opinion of the wisdom or the expediency of the amendment, to urge and vote for all reasonable and practical legislative measures adapted to secure the enforcement of this amendment. Those who oppose the passage of practical measures to enforce the amendment, which itself declares the law and gives to Congress the power and duty to enforce it, promote the non-enforcement of this law and the consequent demoralization of all law. Such a course is unpatriotic, and is not playing the game of self-government fairly."

And with this declaration from William Howard Taft, son of Yale University, formerly President of the United States and now its Chief Justice, I bid you take up your high and solemn task. For that, you are welcome to the capital of your country.

II

THE FACTS OF PROHIBITION ENFORCEMENT

HON. ROY A. HAYNES,

Federal Prohibition Commissioner.

I AM exceedingly happy to be here at this hour in the convening of perhaps the most significant conference which has been held in America since the adoption of the Eighteenth Amendment. I have been looking for some such an expression and gesture as this for a long, long time, and I thank God that this conference has been called. I believe it has come at a crucial hour.

When facts, as they are, have been studied and sifted, analyzed and discussed, the members of this representative gathering will return to their respective homes filled with determination, and organize community programs that will help to solve many of our most difficult law enforcement problems. This accurate information is necessary at a time when every effort is being made in certain quarters to create the impression that prohibition law enforcement has broken down and that now, after three or four years' trial, there should be a change in the law.

I have every confidence, however, that you will

say, after hearing the facts, that the Federal Government has done a good job with the implements the people have given it. In the main, I do not believe that the friends of prohibition law enforcement are discouraged. It seems to be the enemies of prohibition very largely that are so concerned over the " failure " as they see it, of enforcement, after a three or four years' trial.

However, I do not believe that the friends of enforcement have any adequate conception of the amazing onslaught which is now in progress, and under contemplation by the enemy. It was not expected by the friends of prohibition that enforcement would closely approximate one hundred per cent. success in three, four, ten or twelve years after the adoption of the law. We expected reasonable progress through persistent, calm, patient, sincere application to that end.

The Eighteenth Amendment was the result of great moral and religious fervor. The spirit which actuated the sponsors of this law certainly must be kept alive after the law has been written into the statutes. How greatly mistaken have our friends been who have believed that once the law became a law, it was only necessary for the law's machinery to revolve and that there was no further use of sustaining the enthusiasm, and the crystallized, organized sentiment which made the legislation possible. I am quite sure that some of the present difficulties arise from the fact that many people have lost sight of the moral and religious element, depending upon legalism to accomplish the task.

The friends of morality and education have as important a part in this great task as the enforcement officers themselves.

Of course, the courts, the United States attorneys, the Federal agents and the police are duty bound to work to their utmost to enforce this law, just as they have responsibility in the enforcement of all other laws.

Many of your officials do not know that the friends of prohibition are alive and vitally interested in their work. In many localities there has been almost complete demobilization of citizenship forces until officers, courts, prosecutors and juries have but little, if any, sense of public support. Such a condition is a crying shame, and where enforcement is least satisfactory this situation is always found.

I want to be perfectly frank. I want to acknowledge imperfections; I want you to know that I regret we have not made very much greater progress; I want you to know that I recognize the fact that there are certain inadequacies in our organization, as in all organizations, but after we have considered and studied this issue from one end to the other, I believe you will finally come to my conviction, namely, that the greatest progress ever made in such a movement since the world began, has been made in this great work of prohibition law enforcement.

I am anxious that you should know what progress has been made; the present status of enforcement, the difficulties that we encounter, and what

your responsibilities are. When President Harding sent for me, back in my Ohio home, to consider the acceptance of this tremendous responsibility, I said: "As devoted friends as we are, unless this Federal Administration is determined to faithfully and sincerely enforce this law there is not enough money in the Treasury of the United States to get me to come down here to make the attempt." Blessed be the memory of that great statesman; that assurance was splendidly given, and you know what magnificent support he gave to law enforcement. From that hour until the hour of his death he did not fail to come up with one hundred per cent. support, and I want also to add, that President Coolidge's support has been no less wholehearted. The Attorney-General of the United States some time ago, in an address, said: "This nation will endure on the rock of law enforcement or it will perish in the quick-sands of lawlessness." I am giving you these instances as representing the attitude of this Administration.

The enforcement organization was perfected in forty-eight states, Alaska, Porto Rico and Hawaii. Each state was made a unit, working out its own enforcement problems in conformity with the geneeral national plan and under Washington supervision. Well-trained, these forces are now functioning at a maximum upon the basis of present appropriation. The Federal prohibition organization, including Civil Service employees employed on office work in both the Washington Office and in the field, numbers 3,381, as of September 15, 1923.

Of this force, 1,522 agents are engaged in actual prohibition field operations.

Under the law the Federal Government has the main responsibility for the conduct of the permit system. This system provides for the distribution and supervision of medicinal and industrial spirits and medicinal and sacramental wine. In order to safeguard against abuses, thousands of inspections are necessary before permits are approved or disapproved, and a vast amount of work is entailed. For instance, as of October 1, 1923, there were in effect approximately 123,813 permits.

The time has been comparatively short for the development of our organization and policies—barely two and a half years—but present regulations and conduct of this part of the work have certainly registered marked improvement in the control of abuses, without giving justifiable grounds for widespread complaint among those entitled to certain privileges under the terms of the law and regulations. Indeed, we early announced that the Prohibition Department just as clearly recognized under the law the right of the industrial and medicinal liquor business to have its legal privileges safeguarded by the Government agencies provided therefor by statute and regulation, as it contemplated that Federal agencies apprehend those who violate the law and abuse those privileges.

There are clearly two kinds of enforcement—preventive and strong-armed. The proper supervision of the permit—or preventive enforcement—means fewer actual violations. The very notable

improvement in control of the withdrawal of liquor for medicinal purposes and the prevention of its diversion to beverage uses, is to be attributed to this improved supervision and to the new permit methods instituted.

The abuse of allowing over-drafts has been practically eliminated. During the quarter ending March 1, 1923, only 302 over-drafts, out of a total of 145,000 withdrawals, were noted, and in no instance was the number of gallons allowed in excess of the basic permit more than four.

In 1920, whiskey withdrawals aggregated 12,389,529 gallons. In 1921, during which period the present administration, with the new ideas of organization, more adequate supervision, new regulations and various safeguards, had charge for only six months, withdrawals aggregated 3,245,845 gallons, and during the past calendar year, 1922, withdrawals of medicinal whiskey aggregated but 1,819,888 gallons.

Then, too, in connection with the proper safeguarding of the liquor supply at its source, it has become our duty to supervise the concentration of bonded whiskey, provided for by recent legislation, which is rapidly being put into effect. Bonded whiskey was formerly scattered over the country in about three hundred distillery warehouses, many in outlying sections, subjecting owners of spirits to great expense and hazard. The Treasury Appropriation Act of February 17, 1922, provided for concentration of these stocks, and regulations were promulgated for carrying out the undertaking.

Twenty-eight centrally located warehouses have been designated. One hundred and forty outlying distillery warehouses have been discontinued and contents removed to concentration warehouses. There were 36,031,432 gallons of distilled spirits in bond July 1, 1923; 22,546,666 gallons are now deposited in concentration warehouses; 250,000 barrels have been moved to concentration warehouses since December 1, 1922, without a single theft in transit. This entire concentration will be completed during this fiscal year, effecting an annual saving of about $300,000 in guarding costs, in addition to greater security.

These are but a few illustrations of the work being done by the Federal forces along the line of preventive enforcement, which is the Federal Government's total responsibility. No state agencies can help under the law in these activities. It will be seen that these activities might quite properly require most of the time and energies of the Federal force. Nevertheless, I hope to make it perfectly clear that these forces have also discharged in a meritorious manner responsibility which, in part, devolves upon them under the law in the matter of actual enforcement.

Is that not some task in itself for this group of agents? Right at this point I want to speak of those agents. I think the friends of prohibition enforcement should remember this thought if they get nothing else out of this address. I am pretty well informed as to the personnel of my organization throughout the United States; I know hun-

dreds of the men personally, and I want to say as a whole there was never a finer, more determined, more sincere group of men and women bearing such a responsibility than this organization. They are deserving of one hundred per cent. support. We have weaknesses, of course. Agents, at times, get into the force who ought not to be there, but I give you my word of honor as an official, as soon as evidence is forthcoming that they are not what they should be, proper measures are taken to put them off the force. Thirty-three of them, in this administration, have given their lives as honorably as a soldier ever did on the field of battle. I make this appeal for every employee of prohibition enforcement in America, regardless of classification. Remember it is your duty to support them, and to believe in them, until they are proven guilty of misdoing.

Then I desire you to remember another fact: We have a political form of government, and as long as we have a political form of government, which will, perhaps, be always, we have to operate through political channels. We are discussing an issue which is above party and creed, so let us say that final responsibility for the selection of all officials under the political system goes right back home.

I want to deal next with the question of responsibility. To illustrate: Senator Wesley L. Jones, of the State of Washington, said, in a speech delivered in the Senate some time ago:

"In my state, the United States District Attor-

ney, United States Collector of Customs, United States Internal Revenue Collector, United States Marshal and all the various Government officers who may be brought in touch with the operations of this law are acting in the utmost harmony. Not only is that true, but the State Prohibition Director has brought about almost complete harmony between his force and the state officials; and, furthermore, he has also brought about co-operation between his forces and the various county officials, so that from the Federal officials from the highest rank in our state to the lowest enforcement officials, there is hearty co-operation looking to the enforcement of the prohibition law, not only of the national government, but of the state government. If we can secure that sort of co-operation all over the country there will be very little complaint with reference to violations of the prohibition law."

Following this example from the Pacific Coast section of the United States, permit me to call attention to another such example, which can be multiplied many times. Ohio has one of the best state enforcement codes in America. The State Prohibition Commissioner, under the state code, recently reported that in the first eight months of 1923 his department had made 6,510 arrests, assessed $1,407,209.00 in fines, and collected $1,079,-719.00, whereas the cost to the state of the entire force for a full year is only $108,000.00. The work in that state has also been rapidly co-ordinated to the extent that we are securing good co-operation from most of the county and munici-

pal officials, as well as from the state force just referred to.

These factors, it seems to me, are the vital points for present consideration. Anticipating this discussion, I recently made inquiry of the Federal Prohibition Directors in the United States concerning the number of policemen, marshals, sheriffs and deputies, state prohibition officers and other officers authorized to make arrests and under oath to uphold and enforce the Constitution of the United States. In reply, I find that there are over 200,000 such officers in the United States.

This group comprises a great potential army, whose manifest duty it is under oath to uphold and enforce the Constitution of the United States and the laws made pursuant thereto.

Our records show that since June, 1921, through March 31, 1923, there were 65,760 criminal cases begun in United States courts; 43,905 convictions secured on criminal charges; 2,314 convictions secured on civil charges; also that criminal fines imposed for period July 1, 1921, to June 30, 1922, totaled $4,041,456.63; criminal fines collected for said period totaled $2,824,685.01; criminal fines imposed for period July 1, 1922, to April 30, 1923, totaled $2,755,891.44.

Since the prohibition law became operative in 1920 the Federal Government has terminated 20,330 cases; secured 72,489 convictions; secured the assessment of fines totaling $12,367,660.00; and sentences for the past twenty-three months totaled 3,000 years.

The records of the Prohibition Department, as well as the Department of Justice, show that the Federal law is being used more effectively as time goes on, and the number of large and wealthy concerns, wealthy and prominent people who have engaged in the illicit manufacture and sale of liquor being punished severely for their violations is the best evidence of the falseness of the claim that such people all go free.

For the first time in the history of the United States the concurrent power feature was written in the Constitution in the Eighteenth Amendment. I want to explain to you just what that is, for that is the chief object of this Conference. The second section of the Eighteenth Amendment, or the concurrent power section, in fact provided for this cooperation. The several States said to the Federal Government: "We want you to take the leadership in this matter and we surrender certain of our rights to you. We want you to take the chief supervision, but we reserve to ourselves certain rights, responsibilities and prerogatives, and we will help you." What does it do in effect? It makes the first responsibility for the enforcement of this law come right home to your local officials. In every municipality the local officials have first responsibility for the enforcement of this law. The second responsibility comes to your county officials; the third responsibility to your state officials; and the final responsibility comes to the Federal Government. Did you ever think of it that way?

Sixty-five years ago Abraham Lincoln, in his de-

bates with Douglas, said, in effect, "I hold it is the incumbent duty of every State Legislature to provide legislation making operative and effective the Federal Constitution. If a legislator doesn't do that, what does he do? He becomes a perjurer."

Jefferson Davis, in the last speech he delivered on the floor of the Senate before he became President of the Southern Confederacy, said, substantially: "I want it distinctly understood I hold there is a vast difference between secession and nullification. I believe that a State has a right to secede from the Union, but I hold, as long as a State is in the Union, that State owes obedience and allegiance to the Constitution of the Federal Government."

It has required almost sixty-five years to produce some other statesmen who disagree with both these utterances.

So there is the division of responsibility between the State and the Federal Government. A great potential army in the United States of almost a quarter of a million men sworn to uphold the Constitution; a little army of 1,522 agents here to deal with the permits, and expected by many people to do all the enforcement work also. That is the reason why it is the duty of this Conference to arouse the people so that in your respective home-communities you will assume the responsibility for the enforcement of this law in the smaller violations.

Did you ever hear it said: "There is just as much liquor used now, as ever there was"?—a remark that would be funny if it were not tragic.

Prior to prohibition there was an annual consumption of liquor in this country of 130,000,000 gallons, 268,000,000 gallons of distilled spirits were made every year, and about 1,300 breweries manufactured between eight and nine hundred million gallons of beer per annum. That's a considerable quantity of intoxicating beverage liquor. Let us discuss, for our information, the available supply today, and see if it is true that great floods of beverage liquor are being released over this country.

I have already told you that only 1,819,888 gallons of whiskey were released through the permit system in 1922. Where is the next source of supply? It is that smuggled liquor you hear so much about. Do you know that in 1922 there was exported from England and Ireland, to the entire Western Hemisphere, only 1,400,000 gallons of whiskey? Now if that be added to 1,800,000 gallons released under the permit system it represents a total of about 3,200,000 gallons. You hear, too, a great deal about the great floods of liquor we are exporting to Europe which is coming back to us for beverage use. During the last six months there have come to my office one hundred and forty-three applications for exportation of whiskey to Europe. In all cases the bona fides of these applications must be established. We are pretty careful about the examination of those applications,—so careful, that out of the 3,060,000 gallons applied for, for exportation, we allowed but 110,000 gallons to go out—three per cent. of what was applied for. Now if all that came back and were added to the other fig-

ures, you have about three-and-a-half-million gallons available for beverage use. Of course, one has to add to that the poison-stuff made from alcohol. It *is* poisonous stuff. Ninety-eight per cent. of all liquor seized by the agents in the United States show poison and filth,—not all of it to the degree which enables it to kill a man on the spot; yet if used for a few years will absolutely wreck the health and bring about premature death. Now, does that help you to realize how much truth there is in the story of "great floods of liquor" being liberated in this country. The next time anybody says to you: "There is as much whiskey being used now as ever," quote these figures.

We have been engaged in this gigantic undertaking as a Federal Government for about three and one-half years. The beverage liquor traffic had about one hundred and forty-six years of operation in the United States, yet we have had three and one-half years of prohibition. Have we made any progress?

Not so long ago, I had business in New York. There was a baseball game played that day, and I took the time to go because I knew I was going to speak to this Conference, and I wanted to tell those gathered what I saw. I went out to the ball-grounds and there were about 70,000 people present, and I not only watched the game, but I watched the crowd. I did not see a single man or woman intoxicated, and there wasn't an instance of disorder. And such conditions obtain all over this country today. I have no need to tell you about

New York and other places. What about the situation in your own home city or town? Is it not a fact that a drunken man on the streets today is a rarity—a curiosity? Of course I say there are entirely too many if there are any at all. But that is not my point. My point is that any man who is fair, and looking for facts in every community in the United States, will say that conditions have improved tremendously, and even if we make no greater progress than we have made up to this hour, the Eighteenth Amendment would have been magnificently worth while.

Now just a word or two about our difficulties. These are chiefly sectional. There are yet some states, some counties and some cities wherein the policy of co-ordinated action is not yet understood, or at least has not yet been made effective in good faith. In such instances there is adverse public opinion to be combated—and this is to be found mainly on the eastern seaboard—although there are certain other cities where local conditions also make the problems most difficult, and co-operation in the localities referred to is not what it should be, and the press is not favorable.

The chief charge brought against prohibition has been, is, and perhaps will be for some time to come, is that it cannot be enforced. At the present time the opposing forces have almost shown a perfect frenzy of effort to make this appear to be true. Every opportunity is taken in irresponsible private conversation and in certain sections of the press, as well as from the public platform, to proclaim that

the prohibition law has broken down, and that the country is flooded with liquor.

Certain people regard prohibition as a fad, and delight to relate stories of schemes for the evasion of the law. These forces, however, do not represent the great mass of the American people—those who comprise the bone and sinew of our body politic. It was this great body of our people—people who represent the homes and firesides—that made prohibition possible.

These people, through long years of observation of the evils of the liquor traffic and experience of the benefits obtained through applying the principle of prohibition in small communities by local option, came to believe its application to the nation as a unit would be to the best interests of the national welfare. Believing in the principle and having seen the law enacted through their efforts, they have gone about their daily tasks and have not constantly agitated and discussed the question or violated the law.

The prohibition law—as all other laws—is being violated. If every citizen would do his whole duty to his fellow-men we would need but few, if any, laws to carry out the work. Criminal laws are not made for the law-abiding, but for the lawless, and these will always break the law as long as they see an opportunity to do so. No one, on sober reflection, will insist that law is a failure simply because it is violated.

The charge of wholesale violation is unfounded. No decent American community tolerates a nuis-

ance for any length of time. Moreover, in the main, Americans are law-abiding. Communities with large numbers of foreigners naturally show less progress in enforcement than those communities with fewer of the foreign type resident therein; but, even in such communities, it is most essential that the leaders of public thought and civic righteousness show, by their example, as well as preachment, that they have high regard for constituted authority and hold in reverence the Constitution and the free institutions of the land. The appeal for observance of this law by the leaders of our political, commercial, industrial and social national life should go out in clarion tones to all parts of the Union.

In my judgment, another of the chief difficulties hampering more rapid progress in enforcement today is the lack of the proper patriotic attitude in these factors of our national life. These factors are more dependent upon the laws of the country for the protection of their own large property interests than any other factors. They cannot, with safety, continue a negative attitude and an indifferent attitude towards the enforcement and the observance of this law.

The idea has been widely heralded that this law was intended only for the poorer and the working classes. Every well-informed citizen knows this statement to be absolutely false, and a lack of general obedience on the part of the wealthier, influential stratum of American life will hinder the work of law-enforcement to a serious degree.

One other very great difficulty is the propaganda difficulty. The World War demonstrated the power and value of propaganda, and there are evidences that we are in the midst of a great, organized propaganda today, in which the opposition is trying to make it appear that prohibition law-enforcement has broken down, and that the Federal Government is not able to cope with the situation.

Fortunately, it is well recognized that these attacks are made by enemies—largely by those who always have been enemies of prohibition law-enforcement, and not by the friends of enforcement. But, in any case, the propaganda is insidious, because it affects, more or less, the morale of the public most interested in prohibition and is intended to discredit and hamper the officials of the Government entrusted with the duty of making the Eighteenth Amendment effective.

Many good citizens have been so negligent of their duties and responsibilities in sponsoring this law that they have forced the Federal Government's agents to do much work that citizens should do. Frequently, our agents, in making investigations, run into a situation among influential leaders in the various activities of our busy, modern life who were never in close touch with the prohibition movement and who do not realize the gravity of non-observance of this law. When the attention of many of these otherwise good citizens is directed to the fact that whoever violates this law violates the Constitution and is setting a dangerous exam-

ple, it has been a notable fact that in the vast majority of instances such men take a positive attitude for observance of the law and exert their influence among their associates to that end. When these men are influential units of clubs and various commercial and civic organizations it can be seen that such a changed attitude on their part also influences their associates in such affiliations and, therefore, greatly lessens violation, consequently lessening the demand for attention upon the part of any enforcement agency.

Concerning this great question I am an optimist, because I believe in my organization. Naturally, in a great, new organization weaknesses develop, but they are corrected as rapidly as they do develop, and in the main I believe there is no more efficient, effective, loyal, patriotic force of men and women in this Administration. I am an optimist, too, because I believe in the people. I believe that the friends of prohibition are as intently interested today as they ever were during the period when they were fighting for this legislation. I believe this in spite of the fact that they have frequently gone to sleep and failed to discharge their responsibilities, which have been theirs as good citizens.

In conclusion, let me suggest that there are only two elements which, in my judgment, are involved in the successful consummation of this great task. First, the time element. That must always be considered. We are dealing with a new undertaking. It cannot be successfully completed within a short term of years, but it will be progressively success-

ful as the years go by. All of this, of course, must be supplemented by a second condition, namely, an aroused, organized, sustaining, co-ordinated, patriotic citizenship support.

I pledge my best efforts to enforce the law. I will not be bribed or browbeaten, flattered or frightened to swerve from the plain, straight path of duty, as I see it. I call upon all, regardless of political creeds or religious belief, as Americans to stand enthusiastically on the side of law-enforcement—to rally to the defense of the Constitution, and to stand militantly on the side of the nation's highest ideals.

III

THE CHALLENGE OF FINISHING THE TASK

DR. ERNEST H. CHERRINGTON,

Secretary, World League Against Alcohol.

A SHORT time ago I listened to a bishop of a very large Church in America say that we have had too much of idealism in the Church and that what we need is more practical business sense. Now I take issue with that bishop or any other clergyman who has got so far away from the real purpose of the Church and Christian civilization, because, if I am any judge, there never was a time in the history of the last nineteen hundred years when the Church so greatly needed a new baptism of idealism as it does today. The Church started this prohibition reform. It has been responsible for its success up to the present hour, but if it deserves the credit for success thus far, it cannot get away from the responsibility for the future which goes along with that credit. I want to suggest this challenge: with the running start that we already have, if the Church of Jesus Christ cannot finish the task of solving the liquor problem what hope is there for the Church to solve any other great social problem that the world faces?

The most insidious proposition in connection

with the whole program of the opposition to prohibition in the United States, is the suggestion that prohibition does not represent the real sentiment of the nation; that it is not public opinion crystallized; that in some way or other prohibition was put over on the American people. Now, just one or two facts in that connection. Before national prohibition went into effect seventy-five per cent. of all the villages of this nation, eighty-five per cent. of all the counties, and more than ninety per cent. of all the townships and rural precincts of America, were already under prohibition by state laws; more than two-thirds of the members of the United States Senate sat in that body representing state-wide prohibition states, and more than seventy per cent. of the membership of the House of Representatives represented prohibition Congressional districts. Seventy per cent. of the population of the United States and more than ninety-five per cent. of the land area of this country were already under prohibition by state enactments. If prohibition was put over, seventy per cent. of the population of the United States in ninety-five per cent. of the territory put it over on thirty per cent. of the population in five per cent. of the territory,—and that mostly along the Atlantic seaboard!

It isn't an easy thing to amend the Constitution of the United States. That has only been done ten times in the history of this Republic. The first ten amendments—the Bill of Rights,—were adopted in 1791, and from that time to the present hour, although more than twenty-two hundred measures

have been presented to Congress asking for a change in the Constitution, just nine of them have gone across in one hundred and thirty-two years. In the very nature of the case, by the process that must be followed, it is not possible to put any amendment in the Constitution of the United States until the people of this nation are overwhelmingly in favor of the proposition. But the Governor of New York, or the Senator from Michigan, or New Jersey, comes along and says: "Yes, but this prohibition amendment isn't like any other part of the Constitution; it isn't like any other amendment to the Constitution." I am ready to admit that that is true in certain respects, and I will tell you of one or two respects in which it is quite true. First of all it is true in the way in which the people of the nation rallied to the ratification of that amendment.

The original Constitution, when it was presented to the original Thirteen States, was ratified by a majority of about two to one; the Eighteenth Amendment was ratified by the members of the state legislatures by an aggregate majority of more than four to one. The first eleven amendments to the Constitution of the United States were ratified finally by a bare three-fourths majority. If a single state, of those that ratified the first eleven amendments, had failed to ratify them, they would not be in the Constitution today.

There were four states that never ratified the Twelfth Amendment to the Constitution; there were five states that never ratified the Thirteenth

Amendment; there were four states that never ratified the Fourteenth Amendment; there were six states that never ratified the Fifteenth Amendment; there were six states that never ratified the Sixteenth Amendment; there were twelve states that nver ratified the Seventeenth Amendment; and there were twelve states that never ratified the Nineteenth Amendment. But when it came to the Eighteenth Amendment forty-six out of forty-eight states ratified and one House out of each of the other two state legislatures ratified. Out of ninety-six state legislative bodies that could pass upon the question, ninety-four ratified. It was a long, dreary road to National Constitution Prohibition for the friends of prohibition, but I want to whisper something in your ears: the road back is just as long and just as dreary for the enemies of prohibition. So long as one more than one-third of either of the two Houses of Congress stands firm there will not be any change in the Eighteenth Amendment. And if the time should ever come when Congress were to submit the question, and it were to go down to the states, a mere majority vote in a single House of each of thirteen state legislatures would prevent modification or repeal. The Eighteenth Amendment's repeal or modification will not be a real issue in the life of the present generation.

But, says someone, "The Volstead Law can be modified by a mere majority vote." That is true, yet if the enemies of prohibition should muster in both Houses of Congress every United States

Senator and every Congressman representing a nominally wet state, or a nominally wet city, or a nominally wet Congressional district, they would not represent thirty-five per cent. of either House of Congress. If the Volstead Law is ever weakened it will be done by the votes of Senators and Congressmen representing prohibition states and districts.

The repeal of the Eighteenth Amendment is not the issue before the people today. The repeal of the Volstead Law is not the issue. The real issue is that which has been emphasized in a peculiar sense, by this conference of citizens; the real issue is, after all, whether that law and that amendment to the Constitution is to be nullified by a law-defying minority representing a few wet cities and a few wet states, who insist upon trampling the Constitution of the United States in the dust. I want to say to you that the question goes far deeper than any question of the enforcement of prohibition; it strikes at the very heart of free government. The answer which the American people give to the question of the enforcement of prohibition, today, will be the same answer that will be given tomorrow to the deeper and far more important question as to whether, after a century and a half of trial, a great democracy in the Western world can really secure obedience to its own mandates and perpetuate itself.

IV

THE SOCIAL PERILS OF LAWLESSNESS

MRS. RAYMOND ROBINS,

Social Economist, Chicago.

IT is a great regret to me, and I know a still greater regret to Raymond Robins, that an engagement in the far West makes it impossible for him to be present at this gathering tonight. It is impossible for me to take his place, as you well know. I am here because, with many of you, I obeyed the summons of our captain, Fred B. Smith, and with your permission I will speak for a moment on some aspects of the discussion which touch me closely, and give you some pictures as I have seen them in a crowded immigrant ward of one of our large cities.

With Mr. Robins I went to Chicago eighteen years ago. We made our home on the top floor of a tenement house in the old Seventeenth Ward, a river ward with seventy-five thousand folk in less than a mile square, representing twenty-three or more different nationalities with a different ethnical, political, religious and economic heritage, yet holding in common one purpose,—the building of a home; and one faith,—the hope of a better life.

In the early days, we had practically three saloons to every four street corners. To know our neigh-

bors we had to know saloons and saloon-keepers, and to meet with the working women in their trade union gatherings, we met often in the saloon parlor because good people would not permit us to meet elsewhere. In those days, in New York or Chicago, or many another large city, a union of young girls had no other place for its meetings. Today, with a growing conception of the value of life, schools and churches have opened their doors and young girls are welcomed whether they come to study literature in their clubs or economic conditions in their unions.

In those yesterdays many and many a young girl from the country or small town, coming from a home that never tolerated drink, went to the saloon for her daily lunch, because the hot plate of soup with a glass of beer was the best lunch she could buy with the low wages paid to her. Low wages played directly into the hands of the saloon-keeper. The lower the wage the hungrier the man or girl, the more certainly the saloon with its stimulants called. Much has been said of the kindness of the saloon-keeper to the poor, to the down-and-out, and I would not wish to minimize that kindness, but the answer to the low wage is not the kindness of the saloon-keeper; the answer to the low wage is a decent living wage.

No one can live in such a community as the old Seventeenth Ward in Chicago without learning to know the hideousness of the whiskey story, for there is no escape from it. If there is drinking in the home of the tenement the wife and mother

knows its terror, for there is no escape from those four narrow walls. I think with reverence of that great army of silent women whose courage never failed them amid the suffering of which they never spake. The children had no escape, the wrong and the crime became such daily companions of their daily lives. Daily the tragedy of the dance halls entered the homes. The liquor interests steadily moved towards political control of every organized effort for pleasure. There are no words with which to speak with adequate censure of these forces of evil which never hesitated to traffic in the lives and souls of the boys and girls of our nation, and out of such traffic made their money.

In such a setting and under such conditions, we fought for the higher license of the saloon under the fearless leadership of William Dever, Democratic Alderman of our Ward. There were those who told Mr. Dever that if he dared to stand for the higher license it would mean the end of his political career. They proved to him conclusively, on a piece of paper, that our immigrant folk would certainly vote against the man who made drinking more costly. Today, William Dever is Mayor of Chicago. In that fight for the higher license for the saloon there were those who believed then, and who believe now, that an interpretation of what is really involved in prohibition,—an interpretation translated into human needs and human aspirations, —translated into the life of home and children—is all that is necessary to make the issue clear to any group of immigrants. I believe that just as the

immigrants of our Seventeenth Ward voted to return William Dever Alderman to the City Council, when they understood the issue, so will they vote for the enforcement of the Eighteenth Amendment.

We have heard much and often, through the newspapers, that the American Labor Movement unanimously wants and votes for light wines and beer. There is no such unanimity. In Chicago, the President of the Federation of Labor, John Fitzpatrick, is a total abstainer, and has been one for all the long years that I have known him, and Steve Sumner, organizer of the Milk Wagon Drivers' Union, is a prohibitionist so persuasively that he has succeeded in getting every member of that union to sign the pledge. There are no laboring women who do not know the hideousness of the political control of the liquor interests. It mattered not what bills were introduced in the State Legislatures for bettering the industrial conditions of women and children; it mattered not whether we worked to secure the protection of children, the enfranchisement of women or the eight hour day, we were opposed by the liquor interests. Whether we asked to have the children of the richest land in the world taken out of the mines and factories and put into the schools, whether we asked for the shorter workday or the right of women to the ballot—it mattered not how simple the request—we were met by the united opposition of the liquor interests—including light wines and beer. There is no woman who has had to deal with any of these

questions who does not know that fact, and every worker for civic and political righteousness will bear the same testimony.

And now, today, after the enactment of the Eighteenth Amendment, and after a discussion of the question of prohibition which has been before the people for over seventy years, these same interests are seeking to regain their lost political control by using unthinking folk, and especially the younger men and women, to do their bidding and work for the return of these conditions of humiliation and disgrace—and this in the name of liberty.

We need to re-state our reasons for the enactment of the Eighteenth Amendment, because there have come into maturity young men and young women to whom this story is not known. We must re-state the reasons for our faith. I want them to know that we are not living only under the "Thou shalt not" of the Old Testament, but that we are living also under the "Thou shalt" of the New Testament; that we are not only living under the law, but that we live also under grace. We want our message to contain not merely "Thou shalt not drink," "Thou shalt not be a bootlegger," "Thou shalt not break the law," but the greater word,—"Thou shalt be fit," "Thou shalt be free," "Thou shalt have life more abundantly." We want the understanding of the young men and women of the nation and their free assent to the task in hand.

Some years ago, I was with a group of friends

in Switzerland, and for two weeks we climbed the mountain peaks and glaciers. We heard the song of the stars at night and saw the sun rise over the Alps. To climb happily, to be without fatigue, to sleep a few brief hours on the mountain top and then to be off in the mists of the dawn for higher peaks, to keep steady, with crevasses on either side as we marched over those great glaciers—this meant bodily fitness. It was a great and wonderful experience, and there was not one of us who did not gladly ration herself to be better fit for the mountain work. Whenever the task set has met an inner need or has struck a chord of understanding in the heart, hardships have been wooed as prizes to be won. In the first year of the Great War we witnessed what could be done when, in answer to the call of duty, millions of men voluntarily accepted haversack rations, steady grinds, wet burrows under the earth, vigils on winter nights,—this and much more,—as an equipment for service. If it were right and wise to be fit for the glory and joy of mountain climbing, to accept the challenge of those glaciers,—if it were right and wise to be fit for service in war,—surely it must be right and wise to be fit to accept the challenge of every day.

And the day *does* challenge. With Rupert Brooke we would sing:

> "Now, God be thanked who has matched us
> with His hour."

In very truth day unto day uttereth speech and

night unto night showeth knowledge. We are standing at the very threshold of great revelations. Each day we are learning new pages in God's wonder book. Slowly we are learning that our knowledge and mastery depends upon our understanding of immutable laws. In obedience to the laws of nature we have mastered the air, we have mastered space; we can see millions of miles, we can speak across continents, we can hear across the world; we can fly into the sunlight, we can plunge into the darkness beneath the sea; we count the stars, we measure their distances—we have won mastery through obedience to law. And, if by obedience to natural law we become masters of the universe, may it not be true that by obedience to spiritual laws we become masters of spiritual forces? There are spiritual laws governing life, our human affairs, our human relationships. These we must search and find. Is not the challenge to the mastery of the laws governing our human affairs as great a challenge as the mastery of the air?

For a moment let us remember the earlier days of America. Her greatness was builded on the power of endurance and courage, on the capacity to see a thing through. As we read history we realize that it is not long since that men came from overseas to meet the mystery and unlock the secrets of the great wilderness of this continent, going into bivouac, building their flickering fires by night, and setting forth in the morning to new hardships and some forgotten sacrifice. They fulfilled their mission. They dared to suffer to bring to men

new possessions, a new world, new hope, new aspirations. Always, always, America has kindled the imagination, has brought the vision of a new world, has re-kindled hope, has held out great expectations. Their task was the conquest of the wilderness; our task to redeem its promise. It is a summons to an adventure of the spirit. Can we answer: "Here am I"?

V

THE COURTS AND LAW ENFORCEMENT

JUSTICE FLORENCE E. ALLEN,

Supreme Court of the State of Ohio.

WHY is it that in this year of our Lord 1923 we have to come together in Washington and consider building up respect for law? Why is it that so long after so-called Christian Government has been established we have to meet together to devise ways by which we may make sworn officials carry out their oaths? Isn't it an astounding thing that in our day and generation, when education has spread farther than ever before, when men glide under the sea in ships, and when they climb the air in aeroplanes, we have so little learned the meaning of the majesty of the law, that in this country, dedicated to its observance, certain men are determined to nullify any statute with which they are at variance?

This fact strikes far deeper than we realize, when merely considering its cursory aspects. It is not a question of mere disrespect for law. It goes to the whole moral fabric of our institutions, because law is the expression of the moral feeling of the community. The law against murder isn't an arbitrary law laid down arbitrarily, which we must obey merely because it is a law. The law against

murder is the expression of the feeling of the community that the taking of human life is the unthinkable crime. So it is with all criminal law, and so it is with the law which strikes at the saloon. That law is an expression of the feeling of the community that the saloon must go if national life is to be maintained.

Sometimes we hear people talk about need of respect for law, and there is nothing we need so much in this country, today, as that very thing, but when we talk of respect for the law it means more than the unwillingness to go to jail. When I talk of respect for law, I don't mean the feeling a man has when he doesn't want to commit arson, murder, or when he doesn't want to manufacture intoxicating liquor because he doesn't want to go to the penitentiary. I am talking about that kind of respect for law which respects the moral *purpose* of the law, and until that kind of understanding is built up in the school, home and church there never will be real respect for law in this country.

I am to talk to you about the Courts and enforcement. I believe in enforcing the law even if I don't agree with the law. Sometimes I don't agree with the law I am bound to enforce. A law should be enforced whether it be a good law or bad law. If it be a bad law it should be enforced in order that the people may see that it is a bad law and repeal or modify it. If it be a good law it should be enforced in order that the people may have the protection of it. There is nothing so insidious, no danger which so closely touches our

national life as the attempt to get officials not to enforce laws on the ground that they are bad laws.

I believe, as you do, that the prohibition law is a good law. I don't say that everyone has to agree with me. I think, if they are wise, they will, but I do not say that any official sworn to enforce it, and who fails, with all his energy, to enforce it or any other law, violates his oath. I am aware of the fact that there is, from time to time, lack of law enforcement in our Courts, due to two causes: One, that here and there men are in office who wish certain laws nullified; and another, that we have in our Courts such bungling, inefficient administration that very often the officials who want to enforce laws can't enforce them because they haven't the machinery to do it. Now it is undoubtedly true that fine business men of high integrity at times work desperately and apparently with futile results in order to get the law enforced by officials. If you have officials who don't want to enforce the law the only way to make them do so while they are in office—of course you don't need to keep them in office—is to demand their observance of their oath.

And out of my own experience I want to say this further thing—I wish I could burn this deep down into your minds—there is many an official who would want to enforce the law if he knew you wanted the law enforced.

Before I was elected to the Court of Common Pleas in Cleveland, I was an assistant-county prosecutor and in that position, for several terms,

I had charge of the grand jury. During my first term we handled eight hundred and twenty-three indictments, which was a larger number than had ever been previously returned in one term in Cuyahoga County. I am telling you of the number of these indictments because I want you to know how many cases came into my office and how many people there were associated with those cases. Yet of all those people never but once did anyone ask that something be done for the public welfare. Some people asked for information, some for proper favors, things one might legitimately grant, while some literally asked to have men charged with crime let off. But of all the thousands of people who came in to see me during that term, only once, I repeat, did anyone come who was not asking for something for himself, but for the public good. That solitary instance was that of Rev. Dan Bradley, who came in to ask me about a case in which he found there was a public aspect.

When I see the kind of pressure brought to bear upon men in public office I wonder why so many of them are decent. The public official knows that he makes friends by granting favors, and that by making friends he gains re-election. There are legitimate favors and there are illegitimate favors, and anyone who has been connected with a law court or a grand jury, or who has been in a prosecutor's office, knows how often illegitimate favors are asked. It is reasonable enough for me to give much-needed information to some bewildered foreigner, but it is not right nor reasonable that I

should let someone off who has wantonly violated the law.

The strange thing about all this is that it obtains irrespective of party. We are quite excited over party at election time, but between elections it doesn't appear to matter so much. If I am a Republican and you happen to be a Democrat, and the kind who asks favors of public officials, and you come and ask me to do you a favor and I do it, you are pretty apt to go out thinking I am a good sort, and will probably vote for me, even though you belong to a different party. And if I am a Republican and you are a Republican, and I refuse the favor you seek at my hands you are pretty apt to go out and work against me at next election, even though you belong to the same party as myself. And that is increasingly true if the favor you ask of me is an illegitimate favor.

Now the public has just one way to protect itself from this insidious influence which is brought to bear upon the public official. The public could say, "If you are straight and upright we will be your friend." But the public almost never says it. Indeed, I never knew of the public saying it to any official except when the women of my county said it to myself. You don't know what strength it gives the official to know he has the support of a people who expect him to do right. Of course I don't say that, going back to your respective homes, from this Conference you could demand of the sheriff or the common pleas judge, law enforcement and get it in a week. But I *do* say that if you

mobilize public sentiment continuously and consistently you will put a tenfold strength into the decent man in office, and you will make crooks afraid to be crooked in the conduct and administration of their office.

I want to say a word or two about another element which hinders law enforcement, not only with regard to prohibition, but with regard to other kinds of law enforcement, and that is the bungling administration of criminal justice. The delay which marks the proceedings of our courts, alone, makes it impossible for men who want law enforced to have it enforced as it should be. The bare fact that it takes almost two years for a criminal case, from start to finish, to go through our courts, as compared with six weeks in England, that fact, I say, makes it impossible for laws to be enforced as they should be. In Ohio, not so long ago, one had three years in which to decide to go to the Supreme Court from the court below. That period was reduced, until now it is seventy days; and it might just as easily be thirty or forty. There must be an unquestionable disrespect for law when a court proceeding drags on like that. And when men go out on bail and skip the bail; when men evade jury service to such an extent, that men who are just riff-raff sit in the jury box and throw dice and play cards to decide what their verdict shall be.

The administration of the public courts is not the duty of officials alone; it is the duty of the public who own the courts. Did you ever stop to

think that in this great nation we are carrying on a great experiment? In the place where I used to teach before I studied law, one of my friends had a class in English. One day she gave the girls a test, and one of the questions she asked was this: "What did Shakespeare do in his experimental period?" Of course the right answer to that question was that in his experimental period Shakespeare wrote *Love's Labor Lost*, or some such similar play. But one of the girls who had more of an eye for the realities of life than for the technical periods of a man's career, answered: "Shakespeare married Ann Hathaway." I have always thought that was a very good answer, because marriage seems to be somewhat of an experiment.

Now isn't it true that the greatest things in life do have something of experiment about them? When our forefathers instituted this nation they began a great experiment,—they enunciated a doctrine that had never before been announced in the world. They declared that the purpose of government was to protect, and secure human rights, and when they said that they declared the purpose of government to be a moral purpose. Yet today there are men who have so far forgotten that truth that they think the reason we have government is to do the convenient thing, to hand out automobile licenses, to clean the streets, to gather up the garbage. But I want to say the *only* reason we have a government is to do right and justice. And that's a moral purpose, and it is in the carrying out of that purpose that this Government will be tested.

Now, while it is true that the courts don't always enforce the law, partly because the personnel of the courts desire that the law be nullified, yet it is also true that the courts sometimes fail to administer justice because of antiquated procedure. We can correct that and adopt the forms which the English courts have adopted, and do away with technicalities in trials. Neither of those things can be done unless you and I realize our personal obligation to the government. Sometimes I think that amid all of the terrible things that have happened with regard to this specific question, some compensation is to be found in the fact that, at least, the men and women who believe in decency in this nation seem to be aroused to the fact that they have some relation to what happens in government. We have in the past, I regret to say, leaned over backwards in staying out of political life. We have thought that political life belonged properly only to men with a rather questionable character. The great experiment which our forefathers laid down we have failed to recognize. You can't take a Bunsen burner and put it under a test tube and go away and leave it and expect the experiment to determine itself; you have to stay and watch the experiment; and never until you and I, and the men and women who believe in decency in private life and righteousness in government, watch the experiment will the experiment be achieved.

In closing, I am going to tell you a story about Benjamin Franklin. You will recall that Franklin went over to France and really put the finishing

touch on the Revolution. He was over there at the Court of Louis XVI, when all the diplomats were there, and yet he was accepted because his statesmanship was so evident. By and by they invited him to a great dinner, and the diplomatic corps was there in all its lace and jewels. First the British Ambassador got up to speak. "Great Britain is like the sun which gives warmth and growth to the world," he said. The French Secretary of State was in something of a quandary, yet he wanted to say something nice about France without offending England, so he said, "France is the moon which sheds poetry, romance and beauty on the world." And they thought everything had been said. Then up stood Benjamin Franklin. "If Great Britain is the sun and France the moon," he said, "America is a Joshua who says to the sun and moon, 'Stand still!'"

And when he said that, Franklin said something much better than he knew. America has said to individual oppression "Stand still!"; America has said that the purpose of government is a moral purpose. And never until you, and I, and the citizens of this nation, who believe in decency and uprightness and law, unite and demand that law be enforced and demand that righteousness be done in government; never until that time comes, I say, will America really be able to say to all kinds of injustice and oppression, "Stand still forever!"

VI

INTEGRITY OF LAW: ESSENTIAL TO THE MORALITY OF THE NATION

RABBI STEPHEN S. WISE, D.D.,

Free Synagogue, New York City.

THIS is Fire Prevention Week. I take it that this Citizenship Conference aims, in part, to extinguish the devastating fires of lawlessness which have been kindled by the enemies of law and order, who call themselves the antagonists of the Eighteenth Amendment to the Constitution of the United States. It is not my business and it is not our purpose, nor does it lie within the necessity of this Citizenship Conference to prove or to establish anew the necessity, the benefits, the imperativeness, the inevitableness of the Eighteenth Amendment to the Constitution.

But sometimes there is an objection urged against it with which I am tempted to deal for just a moment, namely, that the Eighteenth Amendment was a war measure. So it was—so it was. That is to say, (to be accurate) that it culminated,—it reached a climax in the days of war. But if our good friends insist that the Eighteenth Amendment is a war measure the answer to be made is this—so was our participation in the Great War a war measure, and what is more, I, for one, shall always

be glad that the great movement against the liquor traffic culminated in the war days because it is in the days of war that a country needs strong, sober, clean, effective men as soldiers, and when our country wanted, because it needed that kind of men, it enacted the Eighteenth Amendment to the Constitution of these United States.

I don't know whether you would assent to the slogan I offer—that I offer to every meeting in America which I happen to address on problems of citizenship, of patriotism, of lawfulness. My slogan, whether I address this meeting or a meeting of the former members of the Brewers' Association of America, would be—"Either repeal or enforce!"

But the truth is this: the enemies of law and order have neither the courage to undertake to repeal nor the decency to acquiesce in enforcement of the law. "Repeal, repeal, repeal—if you can," is my word to them. For my own part,—and I may stand alone in this company—I, for my part, if it could be done, as it cannot be done, and will not be done,—would almost rejoice if the whole problem were put before the American people again tomorrow. We should win by a much greater majority than we did last time. Unless you and I are so childish as to imagine that a few growls that come rumbling from the liquor centers of America are to be regarded as representing the judgment, the voice, the conscience of America there is nothing to fear. I would like to take some of our New York, and Boston, and Chicago, and Phila-

delphia, and Baltimore folk to the Middle West; in other words, I would like to introduce them to America. And if ever it dawned on their understanding that the New York, and Massachusetts, and Pennsylvania metropolitan suburbs of Europe, are not America, it would *then,* and they would come to understand the truth. Even we,—we who believe that we represent the spirit of law and order—would then pay very much less attention than we are sometimes minded to do, to the last feeble gasp of the constitutionally and eternally thirsty.

There is one thing I want to say because I must. I feel it to be my business to say in this company tonight, and that is that it is our duty to make clear that we are not going to be misled by disorder and lawlessness, even at its worst. They are nothing more than symptoms incidental to the transitional stage between the wet and the dry regimes. I have never been overmuch disturbed by the phenomenon of disorder attendant upon the change from a long-entrenched, grasping, ruthless, immoral order, to a new and better and cleaner order. Just because there are a thousand, or ten thousand, or even ten hundred thousand of folk who have not yet given their assent to a new and higher order I am not going to be fool enough to be fooled by the cohorts of disorder and lawlessness into imagining that these phenomena are ultimates—that these phenomena are finalities. They are only fugitive phenomena. Given another five years, unless we are fools, and the worst of the disorder of the

transitional era will have become nothing but a memory.

We are not met to consider questions of personal taste. We are not met to ponder problems of individual appetite. We are met, I take it, to consider some fundamental truths, and among these none is more truly fundamental to our life as a democratic commonwealth than the truth, if I may venture to put it, that a government cannot exist half lawful and half lawless. A short while ago I was delighted when a distinguished official of the Government made a characteristically eloquent plea on behalf of lawfulness as pivotal to the processes and the perpetuation of our democracy. I am not concerned about the Solicitor-General to the United States, that is to say I am not interested in his personal views or in his private tastes. They are his own, however good or bad. But I call it most unfitting, not to say indecent, for the Solicitor-General of the United States to plead for lawfulness and at the same time to speak of the Eighteenth Amendment as an invasion of the personal rights of the American people.

In order that I may not be misunderstood, I question, I repeat, the fitness of the action of the Solicitor-General of the United States, who is one of the highest officers of the law, in volunteering an opinion as to the desirability of a Constitutional amendment which stands adopted, and thereby giving countenance and comfort to a certain group of law breakers. There are no hemispheres in the world of law enforcement. Either law is, or it is

not. There is no invitation to lawlessness, such as an attitude of laxity and indifference on any ground, with respect to the observance of law. To raise the question of enforcement of the Eighteenth Amendment is to bring lawlessness and anarchy in America. There are many ways of doing that. I confess I am so naïve, so untutored,—so foreign minded perhaps—that I can't quite understand the value of pleading for lawfulness and at the same time making derisive reference to the Eighteenth Amendment to the Constitution, which even the Solicitor-General of the United States will yet learn is just as irrepealable as any other amendment and any other part of that Constitution.

There is only one possible question with respect to the enforcement of law,—not whether, but how, it may be enforced and if it be claimed that the Eighteenth Amendment evokes lawlessness the answer is that those who are contemptuous of law are sure to violate it. I once knew a person—I won't say whether he were Jew or Christian—and heard him as he stood before the Michel Angelo *Moses,* that supreme creation of religious art, shaking his first and saying, " If it hadn't been for that old Jew, theft, adultery, and murder, would not have been inhibited."

That incident reminds me not a little of those who are so bitter against the Eighteenth Amendment because it evokes lawlessness. I tell you the Eighteenth Amendment does not evoke it; it discloses it, and very largely in high places—in some of the highest places of the nation. Whether the

Eighteenth Amendment can be enforced is a question never asked by those who wish its enforcement, but by those who desire its non-enforcement. How,—not whether—the law is to be enforced, depends on the Executive and the Judiciary. I believe that President Coolidge may be trusted to enforce the laws of the United States, and yet this is not the President's job singly and alone; it is the business of all the people to co-operate with the President and with the Judiciary in the enforcement of law, and not to connive at, or to tolerate, violation.

Let me repeat before I close, there *are* those who are against the enforcement of the Eighteenth Amendment; there are some—and not a few, I grant you—but for its enforcement is the great mass of the American people. Yet there are too many seemingly intelligent, apparently educated folk inclined to wink at non-enforcement as if it were mere jest or play. These men ought to know better, and when they know better, as they yet will, these will favor its entire enforcement. There is more than liquor; there is more than alcohol; there is more even than the Eighteenth Amendment at stake in the battle which is still before us. The Eighteenth Amendment unenforced and unrepealed trumpets the failure of democracy. And let me add as my parting word of warning, modification is nullification. Modification is nullification without the courage of its shame. Modification of the Eighteenth Amendment,—of the enforcing Acts, would be the surrender of the lawful many to

the lawless few. What is democracy? I answer the antagonists of the Eighteenth Amendment, "Democracy is the rule of the people in terms of law."

VII

VIOLATION OF THE LAW: ITS SIGNIFICANCE IN NATIONAL LIFE

HON. CARTER GLASS,

United States Senator from the State of Virginia.

WHEN asked to participate in your deliberations and to speak a word upon this problem, I scarcely knew what a man could be expected to say upon an occasion of this sort. To me it is one of the most singular circumstances, one of the most unique episodes, in the life of a civilized nation, that men and women are to be assembled from all parts of the country to enforce the lesson of obedience to Constitutional and Statutory law.

And now I am going to say something which may not be regarded as either discreet or wise, but I am going to say it, and under my oath and responsibility as a Senator from Virginia in the Congress of the United States. It is this: If I knew that the Volstead Act contained provisions that were not entirely just and fair I would refuse at this time to vote for its modification, and I would do it with the consciousness that any advantage that might be derived from a correction of those injustices would not compensate for the exhibition of

cowardice and immorality, of surrender in the face of lawlessness.

A great journalist of the country tells us that the Eighteenth Amendment involves an exhibition of rule by the minority. To this I answer that if there is an amendment to the Constitution since its original adoption that had more deliberate consideration, that was discussed for a longer time by men more earnestly or more vehement, than the Eighteenth Amendment, I would like somebody to point that amendment out to me. And incidentally let me say that there seem to be more credulous people in this country, if not more actual fools, than anywhere else on earth. If they would just stop to consider for an instant that the saloon in America was abolished by the influence of the women without the vote, how can they ever expect to restore it now that the women have got the vote? The Eighteenth Amendment to the Constitution of the United States not only reflects the deliberate judgment of the male electorate of the country, but it gives answer to the agonized prayers of its women to whom the franchise had not been extended when it was submitted and ratified. Yet men talk about its modification and repeal.

Rabbi Wise has emboldened me to say something that I mightily wanted to say, but concerning the discretion of which I had some doubt. (After a while you will learn that I am not the most discreet public man in Virginia.) If Dr. Wise could animadvert upon the remarkable criticisms of the

Solicitor-General of the United States, maybe I could say something about a Congressman. You know I haven't a great deal of resentment against those poor, ignorant mountaineers in Kentucky and Western North Carolina and Virginia, who, for generations, have beeen taught that the Government is their natural enemy and that they had as much right to take the produce of their orchards and transform their apples into liquor as the wheat grower had to transform his product into flour. They are a poor, ignorant class of people and are in the moonshine business from the promptings of acquisitiveness— to get money. But I say, emphatically, that a Congressman of the United States who either sanctions or participates in the violation of the Constitution of the United States, deserves no mercy on earth.

And I want to say something further: If any Virginia Congressman should undertake the experiment of challenging and defying the Statutes and Constitution of this country, by manufacturing liquor, either in his cellar or in his parlor, I will guarantee that he will be punished; and if the Federal District Attorney in whose jurisdiction he resides, should happen to say that he has much more important matters to attend to than the prosecuting of that Congressman, I will engage to find a State officer of the law who *will* prosecute him and put him in jail. And, my friends, the appeal will be to the criminal law, and not to the slow and uncertain process of an injunction.

The other day I read in a newspaper that con-

sideration is given to the station of a Congressman who violates the law, followed by a contradiction of that very proposition. "Of course, he deserves no special consideration because he is a Congressman," is the comment. Well, I would say that not only does he deserve no consideration, but that he deserves speedy and special punishment. Injunction! Now, who among you is so simple as not to know that if an obscure citizen of the State of Maryland, for example, were caught manufacturing intoxicating liquor, and openly challenging the validity of the Federal Statute, he would not be seized up by the scruff of the neck and put in jail, charged with a criminal offense? We all know perfectly well that he would. And I think it is a blot on the administrative power of the Federal Government that a Congressman should with impunity be permitted to make wine containing twelve per cent. of alcohol in utter defiance of the Federal Statute and of the Eighteenth Amendment to the Constitution of the United States. This man tried to impress his views upon his colleagues and failed; they neither answered his proposed modification of the existing law nor sanctioned in any sense his attitude. And yet he challenges the Government of the United States and defies it! *I* say he ought to be put in jail.

I have heard something here, tonight, which so long has it been since I heard it before that I had half forgotten it had ever been used as an excuse. It is the question of personal liberty. That cry

commenced to be heard thirty-five years ago. I am old enough to remember when we first asked for local option, and when by gradations, all the way up, we heard that plea of personal liberty when we wanted state-wide prohibition, and when we wanted nation-wide prohibition. That's exactly what we have done,—we have reduced personal liberty to the minimum. We have denied the right of saloons to exist, in the nation, in the state, to ply its trade in the community, and yet a fellow has personal liberty to manufacture liquor for himself provided he restricts its use to his own person. Those of us who are in favor of the abolition of the saloon,—its complete extinction, and of the liquor traffic, do not say to any man, " You shall not take a drink." That would be a violation of his personal liberty—if he should stay sober. But we *do* say to him that we will not countenance the traffic, and we will not furnish the facilities whereby liquor may be made and distributed to the hurt of civilized society.

In the days of the Great War we drafted millions of our boys to go three thousand miles across the sea, to stand in trenches, to sacrifice their lives for the maintenance of order and obedience to international law. And today we have almost to draft men to vindicate the Constitution and the Federal Statutes passed in conformity therewith,—to suppress this vile traffic in poison. You know somebody has said that if a man be not born in Virginia he need not tell anybody about it, because the fact would pretty soon be found out. We Virginians have a tendency to admit that we are Virginians,

and I do not propose to subtract from the Virginian's privilege, which is mine; rather is it enhanced by a general survey and observation of things. When I see from the newspapers that the Governor of the great, rich and powerful State of Pennsylvania, finds thirteen hundred open saloons in Philadelphia I thank God for a Virginian's belief in the sanctity and righteousness of the law. You can't find one in the State of Virginia. Oh, you may find,—we *do* find—moonshiners, and we put them, when we find them, where that Congressman I have just referred to ought to be. Poor fellows! They are not half as bad as he. But go into Virginia and tell anybody that you know where an open saloon is, and he will think, and probably tell you, that you are a fit subject for a lunatic asylum. There are no open saloons. If the stuff is dispensed at all it has to be done secretly—in the bushes. Why, if in any populous community of my State there were open saloons, and the Governor of that Commonwealth didn't remove the local officers charged with the vindication and enforcement of the law, he would be impeached so quickly he wouldn't know what struck him.

The Volstead Act isn't sacred. Some day,—some long day "in the sweet by and by"—it may be modified; but it will never be modified to please that lawless element which assails the fundamental law of the land upon which the Volstead Act is based, and that persists in violating the law.

I was asked to say a few words; here I have transgressed by invitation and have said more than

I intended to say, but I have meant everything I have said, and shall not apologize for any of it—ever!

One more word: When I was Secretary of the Treasury, under the former Administration, I earnestly urged the Congress of the United States to take the prohibition enforcement unit out of the jurisdiction of the Internal Revenue Bureau of the Treasury Department, and to put it into the hands of the Department of Justice. Why should it be in the Treasury Department? The Internal Revenue Bureau is in the Treasury Department because it had to do with the collection of revenue; and the enforcement of the revenue laws, relating to the manufacture and sale of liquor, primarily fell to the Treasury Department because it was a question of revenue,—not of prohibition. In those days the moonshiner was prosecuted because he was manufacturing liquor and selling it without paying the required license to the Federal Government; that was the reason, and the only excuse for putting that thing in the Treasury Department. It ought to be taken out. It ought to be put in the Department of Justice. And the Congress of the United States ought to appropriate enough money to vindicate the Constitution of the United States. And if thirteen hundred men cannot do it, let us have thirteen thousand, and if thirteen thousand cannot do it, let us have thirty thousand. The Government can better afford, even in these extravagant times, to spend its money for law enforcement, especially when thus

enforced the law saves the lives and the morality of its people, than it can allow people go about the country in open defiance of the law.

I wish I could have better requited the compliment involved in the invitation tendered me to speak here tonight, by making a more consecutive talk on the subject. But being, practically, an inveterate prohibitionist I always feel obliged to say some things that in some quarters may not be considered discreet.

Just a word in conclusion. Something has been said about the politics of this movement for law enforcement. I do not know anything about the party affiliation of any person in this assemblage and care nothing about it. I do know that the party which shall dare to assail the integrity of the Eighteenth Amendment to the Federal Constitution will be, as it should be, put out of business. None of us should hesitate to challenge our party leaders on this question. If any of these leaders of my own party want to make national politics interesting beyond the ordinary run of things, let them "start something" in the way of an assault on the prohibition amendment or the enforcement of laws enacted in pursuance thereof, and they will quickly find out that lawlessness in politics has no better standing with the American people than has lawlessness in the criminal courts of the land.

VIII

THE DEPARTMENT OF JUSTICE AND SOME PROBLEMS OF ENFORCEMENT

HON. MABEL WALKER WILLEBRANDT,

Assistant Attorney-General of the United States.

THE relationship of the Department of Justice to the enforcement of the Eighteenth Amendment is little known among the people at large. There is a rather nebulous and hazy notion that it has charge of this enforcement, because the Department of Justice is in general charge of the enforcement of Federal laws. But how the various Federal Departments operate one upon the other, and in what grooves the Department of Justice is permitted to act, is neither known nor appreciated. It is extremely necessary that it *be* known, especially to such groups as this, gathered for the purpose of doing something practical, as I take it, toward making the respect for the Eighteenth Amendment more universal in the country than it is today.

Probably I might say a great many pleasant things about the enforcement of law and the good of the Eighteenth Amendment, and the step forward that the Volstead Act has been. But it is not necessary to say that. That is a *fact* conceded by everybody here today, including myself.

If we are here for any real purpose we want to face the problem as it exists, and find out where your job can begin, and where my duties and the duties of the Department of Justice can meet you, so that by co-operation we may be enabled to move forward to an increase of respect for law in this country, which, in some areas at least, greatly *needs* increasing.

The Department of Justice was organized as one of the very first Departments of the Cabinet. For many years after our Government was established, the United States Attorneys with local offices in the various States, functioned independently. Naturally there grew up diversity of policy, aims, and a varying emphasis of enforcement of Federal laws. It was not until after the Civil War, that the Government began to realize that in order to create uniform respect for the Federal Government throughout the Union it was necessary to coordinate the efforts and centralize the aims and policies of the various United States Attorneys' offices. In 1870, therefore, a law was passed placing all United States Attorneys under the Department of Justice, directed by the Attorney-General of the United States.

In the last few years, however, the office of the Attorney-General has so grown in size, so increased in burdens, and in the almost numberless laws, which it is the duty of its incumbent, through his various United States Attorneys, to enforce, that the tasks that fall to it are far more stupendous than the average citizen realizes. In

Washington alone the Attorney-General has a force of practically six hundred attorneys and clerks. In the eighty-eight judicial districts of the United States, his combined official personnel numbers more than six thousand attorneys, clerks and assistants.

Naturally, with so large an organization, the Attorney-General must divide the responsibilities among his various assistants. To the Department which I head is assigned the formation of policies and the direction of the cases throughout the United States, arising under the prohibition laws and taxation statutes. Properly classified taxation and prohibition belong together. I have found it of benefit to use them interdependently. If the two branches of law enforcement are not handled by one individual their policies should be closely dovetailed, because all of the big violators of the National Prohibition Act and the Eighteenth Amendment are tax dodgers,—as great tax dodgers as they are law defiers in other respects. And, very often, approach can be best made to these criminals by investigating the income tax paid by them the year before.

I have had instances where it seem impossible to catch the boot-leggers, who, openly and defiantly, and to the common knowledge of the citizens of their respective communities, were flouting the laws of the United States in respect to intoxicating liquor. Their position had become so impregnable, because of the sleeping sickness which seemed to have descended on local law enforcement in these

communities, that the only way we could get at them, was by starting a tax investigation.

Any under-cover report will reveal the names of big boot-legging operators. But it takes evidence to prosecute them, and a well-prepared case is a difficult thing if the community itself condones the defiance, law-breakers exhibit. So, as an opening wedge, I have sometimes formed a "Boot-leggers Black List." One by one we then indict these vendors of beverages for fraud in their tax returns. Many of the good people of the community who would have resisted our efforts to enforce prohibition, support the investigators whose duty it is to discover frauds on the Revenue Department. Evidence once started down the tax road, soon piles up to break the illicit business from which the revenue is derived, and indictments quickly follow for conspiracy to violate the National Prohibition Act. We then have the boot-legger two ways!

The amount of tax we find due to the Government from these boot-leggers is amazing! A certain newspaper reported recently that one of the large boot-leggers we indicted in a certain section of the country had been previously indicted for failure to pay tax on an income of a million dollars! The real truth in that case was that our assessments against him, levied by the Treasury Department, showed that he *owed* a million dollars to the Government in income tax alone! You can see, therefore, to what extent his boot-legging operations extended in order that he should owe the Government a million dollars in tax on the income from it!

Many theories are being advanced for separating prohibition enforcement from its Internal Revenue setting, but it is my view that logically they belong together and *a proper functioning* together, can make prohibition more effective. Some try to argue that the Government no longer expects payment of tax upon intoxicating liquor because it has prohibited it. That's an error. Courts do recognize that you can tax a commodity that has been prohibited, and the theory of preventing a traffic by taxing it heavily is not new. Furthermore, the Income Tax laws apply alike to all revenues, whether illicitly or illegally secured. The agents looking for frauds in returning income tax are under the Commissioner of Internal Revenue, and in making their investigations co-ordinate with the Prohibition Department, also under the same Commissioner, can add greatly to the effectiveness of prohibition.

There are, also already existing, Internal Revenue laws relating to the liquor traffic that have a great many more teeth than has the National Prohibition Act. They ought to be the first base of operation against violators of the Eighteenth Amendment. Internal Revenue statutes referring to intoxicating liquors grew up slowly alongside the growing experience of Internal Revenue agents in handling the liquor traffic in days when it was tolerated in this country. Rather than discard the wisdom gleaned from such experience I believe these statutes should be freely used, and prohibition enforcement officers should be trained in them and

appointed with all powers of Internal Revenue agents. These laws carry heavy penalties for violation; the National Prohibition Act is puerile, and should therefore be considered as *supplementing* statutes possessing priority of enactment instead of superseding them.

Here is a strange anomaly: When, as a people, we pass laws prohibiting and punishing the evasion of the payment of taxes, we attach definite and sizeable punishments for the evasion. But when we pass a law designed to protect and carry into effect the very Constitution itself, we make its evasion a puny, little, toothless sort of a thing! And as far as the criminal features of the National Prohibition Act are concerned it is pretty toothless!

Take, for instance, our experience with a bootlegger who was apprehended in Ohio. You all know of him,—the papers were full of reports of his widespread inter-state conspiracy. He was one of the biggest violators caught up to that time. His name is Remus—he is going to be in Atlanta Penitentiary pretty soon! His case has just been decided against him in the Circuit Court of Appeals, after the Government had won at all other stages.

That case was made by the *united efforts* of the Prohibition agents, the Internal Revenue agents who approached the investigation from the tax angle and got very valuable evidence from it, and agents of the Department of Justice. Evidence showed that his operations ran into millions of dollars. But in order to get a punishment that fitted his crime, what did we have to do? We had

to hunt around in the criminal code and find *other laws* that he had violated and charge him under those rather than those penalties attaching to the National Prohibition Act, which would have been a mere "slap on the wrist" for such as he! We indicted him for conspiracy under Section Thirty-seven of the Criminal Code and for violation of revenue statutes with adequate penalties, passed prior to the Eighteenth Amendment.

As to the tax he evaded, consider this: Before he went into the business of taking intoxicating liquor out of distilleries, by his own sworn statement, his income was $6,000. After he had been at it thirteen months we learned by his sworn statement to a bonding company that the amount he had made was in excess of $3,000,000.00! And had we indicted him under the National Prohibition Act do you know what was the limit sentence the judge could have given him? Six months! Under Section Thirty-seven of the Criminal Code, the judge gave him the limit of the law, which was two years!

Why is it that a bank teller who makes a mistake, or with criminal intent falsely certifies a check of probably only ten or fifteen dollars—the amount cuts no figure in the point I am making—has a punishment in a penitentiary awaiting him of, from five to fifteen years? Why is it that the man who manufactures phosphorus matches and fails to properly label his output with a notice of the way in which he has manufactured them, has a punishment awaiting him of two years? Why is it that all of these statutes that refer to the collection of

revenue have substantial penalties awaiting their violation? Yet the offences that relate to the very maintenance and integrity of our Constitution, itself, is legally such a puny thing! I leave the answer with you.

I want you to recognize that one of the great problems the Department of Justice and the various United States Attorneys have confronting them is to find a statute, the punishment of which is to carry any terror for its evasion by big, illicit operators.

Another thing you should keep in mind, is that the Department of Justice is *not an evidence-collecting department.* It has to present to the courts, and does, to the best of its ability, in the eighty-eight judicial districts of the country, *the evidence it receives.* The kind of evidence it ought to receive,—the kind of cases that the Federal Government should be engaged in prosecuting constantly, are cases against agencies furnishing the source of supply of liquor in this country.

There are two sources of supply. First, there is the *internal* source of supply: With a few exceptions this is completely covered by the Internal Revenue Statutes relating to intoxicating liquor I have already spoken of, and which have been properly construed, and that have more teeth than the National Prohibition Act itself. What the Department of Justice, therefore, wants—what you as citizens want—is evidence in more cases involving violation of those laws, and less inconsequential evidence of little cases against somebody who is

carrying around a half-pint of liquor on his hip. Those cases belong properly in the local courts. They belong in the police courts. The Federal courts should be so busy grinding out cases against boot-leggers of the sources of supply that the little cases *would have to be taken care of* by the local courts.

But what is the difficulty? Lots of good people come to us, saying: "Our local courts are not operating," and because their police courts are dishonest they want the Federal Government to assume the burden. These well-meaning folk should set in and clean the rust off the wheels of their own justice, so that it can grind its share of the grist in their local communities!

By that, I am not saying that the Federal Government, the United States Attorney's offices, or any branch of the Department of Justice, is excused, however small and insignificant the violation may be, in not prosecuting to the best of their ability when a violation of the Federal law is revealed. But I am trying to make you see that these eighty-eight United States Attorneys and the Judges in those eighty-eight districts, are staggering under a stupendous load of little frittery cases that you ought to see were handled in your own police courts, so that the big "Remus" cases,—and similar cases—where the boot-legger has carried on his operations throughout a large section of the country, can be handled quickly and expeditiously, and not wait months on the criminal docket before justice can be meted out to these violators of the

law. Another kind of criminal that, in my opinion, it is the duty of the Department to be prosecuting in greater numbers is the smuggler, and we plead with you to help the Treasury Department to get us more evidence against them.

To recapitulate: The Federal Government should mass its energy to stop up the sources of liquor supply.

Those are just two: First, the source of supply, *within* the country. Robberies of warehouses and distilleries; false using of permits; illicit misdirection of industrial alcohol; the manufacturing of wine and high-powered beer; and the mountain moonshiner. The agents of the National Prohibition unit should be left free of responsibility on petty cases so that their forces may be mobilized to check up on the use of permits and to watch distilleries and warehouses, preventing thereby the release of vast amounts of intoxicating liquor.

The other source of supply is the liquor which is pouring over our shores from "outside."

It looks like an impossible task for this Government to police two thousand miles of seacoast. But it *isn't* impossible. When all hands buckle to it, there has *never* been anything impossible when this Government has attempted to do it.

I want to point out to you—because, after all, it will be you who can cause the co-ordination of all the agencies of the Federal Government—what some of those agencies are. The President of the United States, under the terms of the Constitution, is charged with the duty of seeing that the laws of

the United States are enforced. One of those laws is the National Prohibition Act, and more than that, the Eighteenth Amendment embedded in the very Constitution itself. If, then, it be his duty to see that that Eighteenth Amendment and the National Prohibition Act are enforced, let us review the agencies that are at his command.

There is the Prohibition unit itself,—a sturdy force of prohibition agents under the leadership of Commissioner Haynes, who, in turn, is under the Commissioner of Internal Revenue, who, in turn, is under the Secretary of the Treasury, who, in turn, derives his policies reciprocally, under our form of Government, from the President of the United States. That is one unit with which we are familiar. But it is not the only one. Then there are the Postal Inspectors,—a splendid and well-trained force whose primary duty, it is true, is to investigate postal laws, but whose secondary duty, you will all admit, should be the collection of evidence of violation of other laws that they run into while pursuing their primary objective.

Another agency is the Bureau of Investigation in the Department of Justice. Its primary duties are to assist United States Attorneys, investigate passports, apprehend white slave cases, which are certainly close to the liquor traffic, because prostitution follows in its wake, often in its very embrace.

There is the Secret Service of the Treasury Department, and a force of Internal Revenue agents in the Treasury Department whose primary duty

it is to uncover violations of our Income Tax laws, but who, secondarily, constantly come into contact with vast incomes on which no tax has been paid, and have been built up as a result of boot-legging.

Then we must not forget the Customs Officers—a large body of trained men engaged at ports along the seacoast, whose primary duty is the collection of duties, with broad powers of search and seizure, but whose secondary duty should be the apprehension of the liquor smuggler, whose violation of law is tw-fold: evading tariff and defying prohibition.

A little way out from the ports are the Coast Guard Stations,—two hundred and seventy-seven of them, each one armed, each one equipped with small boats,—having a combined force of forty-five hundred hardy men. Most of these men have passed year after year, engaged in seafaring life. There is no legal reason to prevent this force from being charged with the duty of policing coastal waters for smugglers. They are a courageous lot of men, who, if ordered into the fray, would make the liquor pirates tremble.

This Government is faced with the possibility of losing caste among other nations. It is faced with a condition of lawlessness here, that may lead other nations to say that we do not mean what we say in our Constitution,—that it is but a whited sepulchre of high-sounding words, indicating high, honorable purposes which we do not intend to enforce. When we are faced with that, then *every agency at the command of the Federal Government*

should be mobilized to prevent such a reproach being laid upon this Government by the peoples of other nations.

Do I exaggerate when I say we are faced with derision?

I had in my hands, today, a copy of a letter circulated in England by an Englishman with a lot of high-sounding titles before his name. He is Lieutenant-Colonel Sir Broderick Hartwell, of Yeoman House, London, and circulates a letter to his fellow-Englishmen asking them to buy stock in his enterprise of selling intoxicating liquor twenty miles from the shores of the United States. In this letter he guarantees to pay back every sixty days the capital and twenty per cent. profit on it! He says that he is shipping whiskey at the rate of 10,000 cases per month. But here is the thing that you and I should take to heart: Included in that same letter is a little prospectus or statement, and here is exactly what some of its paragraphs say:

"Please understand that this is not a 'smuggling' expedition, neither does it in any way conflict with the laws of England or any other country. I sell my goods at sea to those buyers who come alongside to purchase. Some buyers, as can be seen by reference to the enclosed clipping, cover the distance from the sea vessels to New York in less than two hours."

Now let this sink into your minds:

"The mouth of the Hudson River, up which these motor vessels travel laden with whiskey, is no wider

in places than the Thames, and one Revenue vessel stationed midway in the river could stop all spirits from entering New York City, yet 1,800,000 cases of whiskey are said to have entered New York last year.

"Dozens of bars in New York City are wide open selling beer and spirits. Many high class restaurants serve wine and spirits on the tables just the same as before the Prohibition Act became effective.

"Again, it will be evident to anyone giving this matter a moment's thought, that if the large quantities of whiskey mentioned (in the enclosed cutting) can be brought in from the sea, landed at a dock, transported through the streets, warehouses, and finally distributed to the private consumer that a huge business organization with a large American capital must be employed, and that this capital is surely fully protected."

Do you want that kind of statement, no matter how mistaken (as we know) portions of it to be, to be circulated in any European country concerning the policies of your Government?

You don't, and I don't. But we are faced with the fact that conditions of lawlessness in certain communities of the country are pictured by certain people over in Europe who want to feed upon our lawlessness, and to build up vast fortunes therefrom, as the true picture of the United States.

Therefore, we are faced with a national danger, a danger of losing our repute among nations, and we should gird up our loins, and see that every agency at the command of the Federal Government

is employed to stop smuggling, and that all agencies at the command of our localities, police courts and other state tribunals, are used.

But they will only be used provided we watch our communities and keep state forces grinding out the little cases so that the Federal Courts can handle the bigger ones.

You shouldn't leave it to a National Prohibition agent to apprehend the little violators in your own territory. You shouldn't appeal to the Federal Government to handle cases that are of local import only. You are only doing so under a mistaken notion that Uncle Sam can shoulder this whole burden, which is not possible. Uncle Sam can, and will, shoulder the importing end and the sources of internal supplies, but prohibition will never be satisfactorily enforced until you see that there is a rebirth of responsibility in your local communities, until you grease the wheels of the machinery of justice there, and start them running morning, noon and night,—then, and only then, will this blot of lawlessness that exists in certain communities be removed.

By that I don't want anybody to go away from this gathering imagining that I am implying that this nation is really in a precarious state, even with as much law violation as I know exists. Our people are sound at heart and, generally speaking, are honest and God-fearing throughout the entire country.

While reading the Bible this morning I came across a verse I want to leave with you as I close.

It is in the tenth chapter of Hebrews, and at the sixteenth verse: "This is the covenant that I will make. . . . saith the Lord: I will put my laws into their hearts, and in their minds will I write them."

Until reverence for our laws, for laws particularly that are embodied in the moral sense of a great nation, are put in the hearts of the people of every locality, law will not be satisfactorily enforced; but in the meantime it *will be enforced to the very limit of the ability of the Department of Justice of the United States.*

IX

THE STATE GOVERNMENT AND LAW ENFORCEMENT

HON. GIFFORD PINCHOT,

Governor of the State of Pennsylvania.

I HAVE thought a great deal over what I wanted to say to you, and because I wanted to say exactly what I *wanted* to say I have written it down. It is dull for an audience to hear something read, I will admit. But I will do my best to see to it that you understand what I think, and therefore I am going to take the liberty of following a manuscript.

Two facts stand out in the confused and troubled enforcement situation of today. One is the steadily increasing determination of decent people and Christian people of this nation, that the law shall be enforced. And there is no better demonstration of the truth of that than your presence here. The other is the steadily increasing violation of the law by the criminal elements. And we all know that is true. The former—the indignation and determination of the decent people, was to be expected. The reason for the latter is not far to seek.

The Eighteenth Amendment has been betrayed in the house of its friends. Note what I say. Not that it has failed in general, but measured by the

respect accorded to it, it has failed, and the reason is that no sincere, intelligent, and concerted nation-wide effort has ever been made to enforce it. I am talking facts and talking straight.

We all know the proof of that. It is found in the ease with which great quantities of liquor are being smuggled into this country; in the huge amounts of bogus whiskey manufactured from denatured alcohol; and in the continuing sale of high-power beer from the breweries in truckload and carload lots. And all who know the situation know that to be true.

We keep diamonds out of this country by our Revenue agents, and diamonds are a whole lot easier to smuggle than cases of whiskey. It is idle to suggest that the law cannot be enforced. That the Government of the United States, with the people overwhelmingly behind it, is powerless before a few thousand, or a few hundred thousand, of assorted law breakers is simply unthinkable. The fact is we have never really tried to enforce the prohibition law. The essential reason why boot-legging and defiance of law by the liquor people is increasing is because this particular nettle has never been grasped with a strong hand.

The thing that has protected the liquor criminal from the law is politics. Politics first, law enforcement a poor second, has been the order. Bad whiskey, with beer to help, has supplied the sinews of war for bad politics, and politics has returned the favor.

Take Pennsylvania for example. I assume that

the story of Federal law enforcement in Pennsylvania is not essentially different from the same story in other States. Until the present State Administration came into power, the Commonwealth itself did little or nothing to assist in enforcing the Eighteenth Amendment. Under the Federal Government, our first and second Prohibition Directors in Pennsylvania were Democrats, because the National Administration was Democratic, and they were selected purely for political reasons. To spread the mantle of charity over them, it may be said that they went out of office without having advanced the cause they were supposed to champion. The third Director was the notorious McConnell—a Republican,—a politician known to be opposed to the Eighteenth Amendment when he was appointed. McConnell's appointment, which was a scandal in itself, was promptly followed by the release on alleged fraudulent permits of many hundreds of thousands of gallons of whiskey, and a little later, by his own indictment and that of a number of his assistants for such release.

McConnell's performance was precisely what must have been looked for by anyone who knew him. It is difficult not to believe that what he did was expected, and intended, by the power to which his appointment was due—straight politics.

After McConnell, the next Director made a record which offers no chance for praise. His work was of such a character that it was divided, and the man who took half of it, while that same Director remained in office, was of a wholly differ-

ent character, but was removed from office when his work had scarcely begun.

The present Director, Major William G. Murdock, is the first in the history of enforcement in Pennsylvania to whom the State may look for real results. We have a man in that position now. Major Murdock and Mr. Sams, his colleague in the enforcement work in Eastern Pennsylvania—I do not know the enforcement officer in Western Pennsylvania, of whom I hear excellent reports—have given convincing evidence of their desire to use every power at their command in compelling respect for the Constitution and laws of the United States. Unfortunately, they are handicapped, because the most elementary principles of good business management have been disregarded in the organization of the Government enforcement work; and I make that statement knowing precisely what it means. I refer, for example, to the unwise division of authority, to the fact that both of them are compelled to do their work through agents of whose history and connections they have no knowledge, and in whose selection they have no voice, and under rules and regulations framed at Washington, which often fail wholly to meet local conditions. They are doing the very best they know how, but under tremendous handicaps which are totally unnecessary.

Under this system, born and bred in politics, it is commonly believed, and I share that belief, that certain agents of the Federal Department not only wink at the violation of the law, but have served,

or are serving, as collectors of the six or seven dollars a barrel graft money paid by brewers for immunity,—Government officials collecting the tax that law-breakers pay for permission to break the law! This belief receives strong confirmation when a brewery is caught bribing State policemen—who were promptly both discharged from the force and prosecuted. Even stronger confirmation is found in the fact that high-power beer is manufactured and sold throughout the State by the illegal operation of breweries holding Federal licenses. Bartenders openly boast to saloon patrons of the real beer they sell, its good quality, and high alcoholic content, and it is known generally that these breweries operate and continue to operate. We ought to look the facts in this matter straight in the face.

Now, lest what I have just said should be misunderstood, let me add that the State Police of Pennsylvania are doing an admirable piece of work. I mentioned just now that a couple of them had been caught accepting bribes. It is small wonder that men here and there, working for one hundred and twenty-five dollars a month, should be tempted when many thousands of dollars are offered to them for just a little relaxation of vigilance. But in spite of all that the State Police have made the only effective fight for law enforcement ever made in Pennsylvania. With less than three hundred men, they are required to cover nearly a thousand boroughs and cities, in addition to Philadelphia, Pittsburgh, countless villages, and the open country, and to keep down, not only violation of

the liquor laws, but of all other laws at the same time. My hat is off to the State Police of Pennsylvania.

The Federal Enforcement Service in Pennsylvania lost its soul through politics, and will never be worth its salt until it is taken wholly out of politics. That is the first step in my State, and, I infer, in others also. The second, in my judgment, is to make the head of it, until the present situation is cleaned up, responsible directly to the President of the United States. Under the existing organization the line of authority leads from the President to the Secretary of the Treasury, from him to the Commissioner of Internal Revenue, and from the Commissioner to various subordinates. What is needed is an organization in which responsibility is definitely centered; one in which the buck cannot be passed; and over which the Chief Executive of the nation can exercise immediate direction and control.

Such an arrangement should be only temporary. The President is heavily burdened already—too heavily—and nothing should be added to his load without serious reason. But the fact is that the attack upon the Constitution and laws of our country now being directed against the Eighteenth Amendment and its supporting laws, is one of the most serious in our history. Disregard for all law is more effectively spread by the failure of the Enforcement Service than in any other way. The boot-leggers, the lawless saloon-men, and the brewers are the head and front of the army of criminals

in America. All these facts, taken together, furnish abundant reason for treating this matter as of sufficient importance to enlist the active direction of the President himself. He is the only man who can bring together in harmonious effective action all the necessary Government forces,—so well described by Mrs. Willebrandt. He alone, in my opinion, can meet the present emergency.

These brewers, boot-leggers, and saloon-keepers have made a larger issue than that between wets and drys. They have thrown down the gauntlet to all law under the Government of the United States. They defy our Constitution and our laws as did their ancestors, the outlaws of the Whiskey Rebellion of George Washington's time. Washington, in that emergency, took personal charge of seeing that the law was respected as supreme, and was prepared to use all the powers of the Government, if necessary, to make it so. His example is a sound one to follow in the whiskey rebellion of today.

There is another reason why the President should take personal charge. Not only has the political hamstringing of the Federal Enforcement Service had its seat in Washington, but it is notorious that disobedience to the Eighteenth Amendment has been flagrant in the Capital City. Stories are innumerable of the active practice and encouragement of law-breaking by officials high in the Government of the United States. We cannot expect other communities to respect and obey the law if the Capital of the nation itself is a leader among

law-breakers. Washington has set the bad example, and it is for Washington to repair the damage.

I am not one to disavow the responsibility of each state for enforcing the law. Pennsylvania need not shrink from comparison with any other state in this respect. But I recognize, as every man must who has studied the situation, that the leading part in successful enforcement must be played by the nation. The Eighteenth Amendment was initiated in Washington. The Volstead Law was passed by the National Congress. The leadership in this matter belongs of right to the National Government, and can only be exercised by it. It has, and it alone can employ, powers granted to none of the states,—powers without whose use the law cannot be successfully enforced.

The principal violators of the liquor laws come through boot-leggers who obtain liquors or alcohol in large quantities,—sometimes half a million gallons at one time. They can secure such quantities only through permission of the Federal authorities. No liquor can lawfully be manufactured except by Federal permission. No alcohol can be produced without a Federal permit. All whiskey and alcohol in storage is solely in control of the United States. None can be released from bond, sold, transported, or used in manufacture except by Federal permission. No brewery can operate without a permit from the Government. With the power to issue and the right to act under these permits no state can interfere. The liquor problem is first of all a na-

tional problem, and as such cannot be met and solved unless the Federal Government does its full part.

Do not misunderstand me. I am not trying to pass the buck. I am not asking an excuse for failure in my state nor in any other state to do everything that can be done. I recognize to the full the responsibility of each state and of every municipality for doing its full share to defeat and drive out the law-breakers. But I believe that a clear understanding and practical application of the relative powers and functions of state and nation is an indispensable condition of success. Without doubt this whole matter will come up for full discussion at the coming conference of the Governors with the President of the United States.

But remember this also: It is foolish to expect the state and municipal police powers to cope with floods of illegal liquor let loose by the failure of Federal agents to dam the flood at its source—stop it where it begins. It could be likened to pouring a quart of shot over a floor and expecting us to pick them up one by one. The thing to do is to prevent the shot from being spilled.

Federal permission is required to export the whiskey which is smuggled back into the country for sale. It is breweries operating under Federal permits that are flooding the country with high-power beer. The whole system of permits, as well as the regulations governing business under them, should be revised and brought down to date in the light of the last three years' experience; and I un-

derstand that no such provision has been made for three years.

Mrs. Willebrandt and I think so nearly alike that she has made a lot of my speech for me before I got a chance. She said to you much better in substance what I am going to say now: That the nation's part in enforcement is not that of the local policeman. Home-brew and the blind tiger need concern it little. The state can, and should, look after such as these—the minor violations. But the Federal Government alone is in position to stop important violations at the source and effectively check the big violators who make the real trouble.

Now I want to say, having said that much, that Pennsylvania is doing its level best with the means it has. What we have done is simple. We have merely used the powers we had in an honest and, I believe, an intelligent effort to enforce the law. We have not been content merely to go through the motions, nor have we been willing to stick to methods long since proved ineffective. We are judging ourselves by results and expect to be judged that way, and for that purpose we are going to use or devise the most effective means possible under the law we have. Results are what we want and it is results we have set out to get—if not by one method, then by another.

The Legislature refused me a law to regulate breweries and another to regulate stills. We did get the law outlawing the saloon; that much was accomplished. And we got it through a Legislature that was essentially wet, but we got it. And we

propose to use it and every other power that we have. That is the essential fact, that every power available to the government of Pennsylvania will be used in this fight,—every one. We are going to try to do our share to put an end, so far as Pennsylvania is concerned, to the black disgrace which has fallen on this nation because of its failure to enforce obedience to its own fundamental law. The present eruption of law-breaking, which is our disgrace, could—and I say it advisedly—have been checked at the beginning. Without good reason it has been allowed to gather enormous strength. That's no reason why we should shirk whatever effort may be necessary to put an end to it, and that's the spirit in which Pennsylvania is going at this job. It is of immense value if the law-breaker knows that there is an inflexible determination to enforce the law behind the measures that are taken.

Perhaps the strongest encouragement to law-breaking is the knowledge of the law-breaker that the authorities are half-hearted about enforcement. You will, I think, find no such belief about my administration among the men who are breaking the liquor laws in Pennsylvania. I think you may be sure that we have convinced them that we mean business; and we do. This is a fight clear through to a finish. Either this administration is going to win, or the law-breakers are going to win in Pennsylvania,—and, personally, I haven't the slightest doubt which it is going to be. There will be no compromise with these criminals in the State of

Pennsylvania. The State where our Constitution was born is going to have a hand in defending it. I think you need have no fear about the ultimate result.

For years, the liquor power and the Republican party were side-partners in Pennsylvania. For years, the liquor power and the Democratic party were side-partners in New York. Liquor is strictly a non-partisan proposition. For years liquor has paid the bills for the dominant party in state after state throughout the nation. Their connection—I am putting this very politely—is too recent to be forgotten. In county after county in Pennsylvania illegal liquor still keeps the gang alive—and I am speaking of what I know. That is one more reason why we must insist on the complete separation of politics from the enforcement of the Eighteenth Amendment.

Now, the issue is clearly before us, and the outcome is absolutely assured. Here, again, Mrs. Willebrandt made my speech better than I knew how to make it. No band of criminals ever has, or ever will, defeat our Government and our people,—and that's a fact. We are going to win, and win completely because the conscience, and right feeling of the people of the United States is all on one side in this fight. We know beyond all question that no gang of men breaking the law for profit, pandering to lust in human nature, slapping the Constitution of the United States in the face, can stand against the aroused public sentiment of the decent citizenship of America.

This great gathering is one of the signs of the times. We have come to the point where, using lawful methods, we shall do, in effect, against these law-breakers what was done in the sand-lots of San Francisco. We shall assert that human rights—the rights of decency, the rights of the children and women—to clean life and surroundings, are greater than the power and the pull of any gang of criminals, and we are going to clean our country of this disgrace.

X

THE FRUITS OF PROHIBITION

HON. WILLIAM JENNINGS BRYAN,

Publicist and Statesman.

I DO not know whether a conservative man like myself—one who never indulges in strong language—can make a speech radical enough to fit into this occasion. You know I am so conservative that I often find situations that my mild words will not fittingly describe; then I quote what somebody else has said—sometimes from the Bible and sometimes from Republican sources, whichever is the best authority in the circumstances. I can find in the Bible stronger expressions than I care to use on any subject, and I often find similar things in speeches of Republicans, and you can be sure I use them when I find them.

I am used to condensation. I have had to condense all my life. If I have two hours at my disposal, I fill it, but if I only have an hour I make my two-hour speech in an hour. Often I only have a half-hour; I *can* utilize fifteen minutes, and I have made my speech in five. But it crowds me to make a two-hour speech in so short a time. Here, I shall make a two-hour speech in about fifteen minutes.

In the first place, I want to say that the object

of this meeting is the same as that of a political meeting; so you will pardon me if I use my experience in politics. What is the advantage of a political speech? Is it to convert people? Not primarily. The first purpose of a political speech is to arouse enthusiasm among one's own people. It is much easier to raise the temperature of one who is on your side than it is to convert one who is on the other. People vary from just above freezing, up to boiling point; if a person be just above freezing you have to be careful, for a little drop in the temperature and he is gone; but when he reaches boiling point he goes to work. All that is necessary is to get the temperance people of this country to be as earnest as the wets are; that is all we need.

I remember my mother telling a story when I was young; it is one of the earliest stories I remember hearing, and one of the best. It was about a very charitable woman who would never allow anybody to be criticized in her presence. Whenever a person criticized another in her presence she defended the one criticized. The children decided they would test her. They began to criticize the devil to see if she would take his part. They had not gone far when she stopped them and said: "Well, children, if we were all as industrious as the devil is, we would accomplish a great deal more than we do."

That is the first lesson I desire people to learn. We have an overwhelming majority of drys in the country and if they were half as industrious as the

wets we should have no difficulty on the question at all. So that is what our speeches are for—to stir up enthusiasm.

This prohibition fight extended over nearly fifty years. No controversy lasted longer and no fight has been more completely won. The fight continued until church after church joined in the struggle, until state after state went dry, until finally thirty-three states out of forty-eight, by their separate act, abolished the saloon. The fight went on until two-thirds of both Houses of Congress submitted the Eighteenth Amendment for ratification. If the wets could have controlled one more than one-third of one House, they could have prevented its submission, but we got two-thirds of both Houses. And then we had to have three-fourths of all the states, and we got them. If the wets could have controlled thirteen states they could have prevented ratification, and remember we had to have two Houses in each state to ratify, and they had to have only one to prevent ratification. In other words, we had to have seventy-two Houses in thirty-six states and they only needed thirteen Houses in thirteen states, in order to prevent ratification. The odds against us were six to one, and that's almost as bad as sixteen to one. We finally carried forty-six states out of forty-eight; we carried ninety-three Houses out of ninety-six. That is the victory, and we have had five dry Congresses in succession. I need not remind you that, not always, when a side wins, does it stay in. I have seen some very sudden changes in politics. I went into Con-

gress on a Democratic landslide in 1890 and went out four years later on a Republican landslide. I am an expert on landslides; I have seen them going in both directions. But in this case, you will remember that we elected a dry Congress and made the District of Columbia dry. We elected another Congress and submitted National Prohibition. We elected a third dry Congress and passed the Volstead Law, and a fourth and it passed the Anti-Beer Bill. The Anti-Beer Bill passed the Senate—fifty-six votes to twenty-two. We went out the last time (in 1922) with thirty organizations working against prohibition, and came back with a larger majority in the Senate than before, and a sufficient majority in the House to meet all emergencies. Five dry Congresses in succession! That means prohibition is here to stay.

There is no chance whatever of repealing the Eighteenth Amendment. And those who desire its repeal know it. Why, if they couldn't hold one-third of one House and prevent submission, how can they get two-thirds of both Houses to resubmit it? If they couldn't keep more than two states from ratifying, how can they get thirty-six to ratify a repealing amendment? It is not only impossible for them to repeal the Amendment, but it is impossible for them to repeal the Volstead Law or weaken it in the lifetime of this generation. We have thirty-three dry states and each one has two Senators; that is, we have sixty-six dry Senators from thirty-three states, and not one of those states thinks of going back. Now how can a bill

be passed to weaken the present law, with two-thirds of the states dry, if their Senators represent their people? Impossible!

All this outcry about light wines and beer is a fraud, and nobody knows it better than the people who are making it. In the first place, they cannot pass a bill legalizing their sale; and they cannot sell unless they can pass a bill. And even if they did succeed in passing a bill that provided for the manufacture and sale of any kind of intoxicating liquor the Supreme Court would be compelled to hold it unconstitutional. All they could hope to get, even if they could control both Houses in Congress, would be a little more alcohol in a non-intoxicating drink. Would that satisfy them? If they cannot get enough liquor to make them drunk, why do they want any more than allowed under the present law?

I want to show you that the demand for light wines and beer is a fraud, and that their supporters know it. In the first place, I remind you, that they never talked about light wines and beer while they had the old-fashioned saloon. Show me the men who are talking about light wines and beer *now* and I will show you men who did nothing of the kind in other days and who did nothing to do away with the saloon. If they ever elect a Congress pledged to light wines and beer, that Congress will try to give these people the old saloon. What they want is not light wines and beer; they want the old saloon with a foot-rail for their foot and a bar

for their elbow and a megaphone to call up the boys to have a drink.

Wherever these people have a chance to get light wines and beer they don't improve the opportunity. Did they substitute light wines and beer in New York when they repealed the Enforcement Law? If they wanted light wines and beer, why didn't they frame such a law—a law giving them light wines and beer, and compelling state officers to enforce the law against anyone who sold anything except light wines and beer? When they repealed that law they left New York worse than it was fifty years ago. So, in Pennsylvania—with its great Governor Pinchot, and I think he is a great man, and I glory in his courage; I am a Democrat, and he a Republican, but I would like to trade the Democratic Governor of New York for Governor Pinchot, and throw in some minor Democratic officers to boot. In spite of his earnest work a Pennsylvania Legislature refused to appropriate money to enforce the law. If they wanted light wines and beer, why didn't they try to get it, and enforce the law against anyone selling anything stronger? No; they have no thought of light wines and beer. They are not interested in light wines and beer. It is all a fraud, and I think it our duty to uncover the insincerity of people who talk about light wines and beer when they really mean the old-style saloon. But they are not going to get back anything!

So much by way of introduction. My subject is "The Fruits of Prohibition." In the first place,

there is less drunkenness; and remember that less drunkenness means more than it used to. Our definition of drunkenness is not what it was when we had saloons. They used to say a man was not drunk if he could get up when he fell down. Now, the least little wobble and he is taken in. We have more "drunkenness" news on the first page than we used to have when it was a common thing in this country. And it is the *uncommon* things that are on the first page of the newspapers.

And remember, too, that there is less money spent for intoxicating liquor—and that means a great deal. Ten years ago this country was spending two-and-a-half billions a year for intoxicating liquor. That was three times as much as we spent for the education of all our children, and five times as much as we spent on all religious work. Yes; ten years ago for every dollar put upon the altar of Jehovah in this Christian land, five dollars were laid upon the altar of the rum god. Commissioner Haynes, in a recent speech, put the savings at two billions a year. Two billions a year is almost twice as much as we pay for education today, and it is more than three times as much as we now spend for religion.

With prohibition enacted, we have more children in the schools. Why? Because money that used to be spent for liquor is now available for education, and more children are being educated. Our colleges have not room for their students now. That is what is going on throughout the country. There is more money available for better things.

And then we have the benefit of a labor that is more efficient. When Dr. Saleeby, the eminent London physician, was over on this side I heard him speak to a number of audiences in various parts of the country. He said that after what he had learned here he was going back to tell people they would have to have prohibition in Europe; that drunken Europe could not now compete with sober America.

About two years ago, or a little less, Gilbert K. Chesterton came over here. When he went back home he wrote a book, entitled, "What I Saw In America." What did he say? He said that plutocrats had forced Prohibition on the country so that they could get more out of the laboring class. Anyone in this country, who knows anything, knows that prohibition did not start with the plutocrats—it did not even end with them. Prohibition started in the agricultural districts where they have no plutocrats. Prohibition came in from the country, and not from the city—where the plutocrats live. But the argument is partly sound, because a man who is sober can do more work than a man who is drunk; a man who puts his money in a savings bank does better than the one who spends it on intoxicating liquor. Industry has been benefitted by it; labor has been made more efficient. People are finding that out; it will soon be known around the world.

The European educators will say that they must have prohibition if they are going to have money available for education; and the Christians will

learn that if they want money to promote their Christian enterprises they must save money that has been wasted on drink heretofore.

There is another thing they will learn: When the Christians come here from other lands, they will go back and say, "The people in the United States study the same Bible we do, but they get a different lesson from it." Increasingly the Christians of the world are going to find out what the Christians of this country found out, namely, that when a Christian goes down on his knees and prays, "Thy kingdom come," he has no moral right to spend for intoxicating liquor money he can spare to make his prayer come true. These are some of the things that are helping.

I think, too, that we can point to some benefits from prohibition in politics. I have been in politics for about forty years, and it is a great relief to have something else besides the liquor question to talk about when one goes to a Convention. For years it was true in all parties—the first thing to find out was whether the liquor men were in control; if they were, you couldn't do anything except protect the saloon. Thank God, we have this question settled in most of our states and can have a Convention without the liquor question obtruding itself and taking up all the time.

And we are going to have purer blood as the poison of alcohol becomes eliminated. We are going to have a stronger race because of prohibition.

But I am not content to touch on what we *have* done. I am so much interested in what we *ought* to

do, that I do not like to review the past except to furnish a background. Now what remains to be done? We must enforce the law. How can we enforce it? Some say that the Federal Government ought to do more, and some say the states ought to do more. I say they *all* should do more—Federal government, State government, County government and City government. They ask, "Which shall act first?" It ought to be a matter of rivalry to see which can get there first. I want to see the Federal government, the State, County, and City governments, all marching together—four abreast—for enforcement of the law.

First, we must have enforcement officers who are in favor of the law. It is perfectly absurd to appoint a man to enforce a law who does not believe in it and does not want it enforced. The time has come when no man should be put in charge of the enforcement of the prohibition law who is not a teetotaler himself. It is absolute bosh to talk about a man enforcing the law when he has to spend his time listening to a joint debate between his oath of office and his appetite. These wets are always hiding behind the Constitution. But I have them on this: the Constitution says that there shall be no cruel or unusual punishments in this country, and I cannot imagine a punishment more cruel than to make a wet enforce the dry law and cut off his own supply. What would you think of a sheriff who said, "Oh, yes, I steal horses—not regularly, but occasionally—but don't think that that interferes with my desire to enforce the law against horse-

stealing." It is just as ridiculous to expect a man to say, "I drink occasionally, but I will enforce the law."

Then there is the smuggler from the outside. The three-mile limit was not intended for pirates or outlaws, but for legitimate business. To contend a ship can anchor just outside and carry on its traffic is absurd. I venture a prediction: The time is not far distant when the nations will agree that outlaws do not control the three-quarters of the earth's surface that is covered by water. Yet that is what they say now; that if they are out more than three miles you cannot bother them. The time will come when any ship, laden with liquor and starting for this country, under any flag, may be sunk while it is coming this way.

One word more: There is one thing this Conference should ask of every public officer, of every preacher, of every professor, and every church member, and every student, anywhere, and that is to sign a total abstinence pledge. It is a farce for men in public life to talk about enforcing the law, and not be willing to stop drinking themselves.

There is no reason for prohibition except that drinking is harmful. If the President and his Cabinet [Mr. Bryan did not know that the President and his wife were present], all the Governors and their associates, and the Senators and Congressmen, will announce that they are teetotalers, it will do more to enforce prohibition than anything else. The Presbyterian Church passed a resolution asking all its ministers and all its church

officers and members to get behind total abstinence; the President of the University of Florida, Dr. A. A. Murphree, signed the pledge, took it to his professors; after every one of them signed it, he took it to his students and seventy-five per cent. of the thirteen hundred young men in his university signed it. Things of this sort *mean* something.

I shall be disappointed if this great Conference—bringing together the Christian people of the nation—not only Christian, but Jew—I shall be disappointed, I say, if it does not make an appeal for total abstinence. Let us get behind prohibition and let the wets understand that prohibition is here to stay; let them know that those who vote for enforcement commence first with *themselves*—that while they are trying to keep others from drinking they are not buying boot-leg whiskey themselves. If you are in earnest about this thing, get behind total abstinence and let the public know that there is no drinking among those who stand for Prohibition in the United States.

XI

THE PEOPLE AND THE EIGHTEENTH AMENDMENT

HON. HENRY J. ALLEN,

Ex-Governor of the State of Kansas.

MOST people know what Kansas represents in this prohibitory movement. Kansas is the history of prohibition so far as state prohibition is concerned; and we are the prophecy so far as national prohibition is concerned. We have encountered every objection that has challenged prohibition under the Volstead Act. There is not a new argument that has arisen; not a new type of objector has appeared; not a fundamental objection laid down, which we have not thrashed out in Kansas and come to the realization that they were not very much of an argument, or objector, or objection after all. We have had the man who came telling us—he came in regiments—that we were destroying all hope of future respect for law, and then daring to compare the condition that followed in Kansas under prohibition with the condition we had under the regime of the so-called orderly saloon! You would imagine, to hear some of these gentlemen talk, that there never was any violation of the old liquor laws. I used to live in Washington under the old liquor laws. I was a

member of the press gallery. It is my opinion that in this great cosmopolitan city today the Volstead Act is not violated as frequently as were the old liquor laws. I have never seen a saloon that I thought was an orderly saloon. And when these people come snobbing to me with the history of a few who have died as the result of mistaking their liquor, I have some knowledge of the statistics which unhesitatingly lead me to say that more people used to die of *delirium tremens* than are now dying of an excessive dose of fusel oil.

I overheard a very interesting conversation the other day upon a train between two traveling men, one for the Prohibition Act and one against it. The traveling man, who was against it, was telling how it would paralyze business. When you hear the statement that prohibition is a failure before you accept it, wait until some man who was originally for prohibition tells it to you. It is my belief that there isn't a man in the United States who voted for the Volstead Act who is against it today —not one. And those who did not want the Volstead Act are no more dissatisfied than they were originally. The situation hasn't changed, and I do not believe that it will change.

Out in the state of Kansas we have had prohibition upon the statute book for forty-two years, and we have had *prohibition* for something over sixteen years. It took us twenty-five years to take the law seriously. It required twenty-five years to find something else to write our jokes about. Now, thank God, we no longer joke about prohibition,

and you can search the state of Kansas over and you will not find one who is telling a joke about the Volstead Act. And our newspapers no longer handle the reports of those who have violated the Volstead Act in the humorous column. They go in the criminal column. I am glad to have heard, since I came to Washington, that at one of the theatres direction has been given by the management that artists must no longer crack stage jokes about the Volstead Act, which fact indicates that the stage is improving.

And then let me remind you that twenty-five years of prohibitory statute without prohibition did not break down respect for law in Kansas. On the other hand, every year saw our respect for the prohibitory amendment grow a little stronger and prohibition kept making its way, year after year—year after year. For eighteen years after the prohibitory law was passed the Democratic Party, every couple of years, wrote into its platform a pledge that if it succeeded at the election it would submit an amendment to repeal the prohibitory amendment; and for eighteen years, while the Democratic Party held to that habit, it never won a victory. Then we had an accident. (Whenever the Democratic Party wins in my state we call it an accident.) But this time there was a three-cornered fight and a Democrat was elected Governor, and he attempted to put through the pledge of his party. He failed. Once again the Democratic Party ran on the same old platform of nullifying prohibition. It failed—as usual. Since that

hour the Democratic Party in Kansas has been gradually warming up upon the prohibitory question and, today, the planks they write into their platforms upon prohibition contain an enthusiastic endorsement of the prohibitory laws. Why? Who did it? The Republican Party? No. The enforcement officers? No. It was the people of the state of Kansas, who insisted upon enforcement of law. And they are the ones who will have to do it in the case of the Volstead Act. Why, the people of this country can get anything they want, under the grace of God, if they will stand together and tell us what it is. This great Conference is going to put new life in that which had threatened to become an issue. The Volstead Act isn't going to be repealed; every sensible person knows that, and it isn't going to be modified—not downward, that is.

We have frequently modified the prohibitory law in Kansas, probably every two years for forty-two years down to six years ago, when we couldn't modify it any more without modifying it downward. Whenever the enemies of the law would come and say: "We want a change made," it was the friends of it who always made the change. We never allowed the enemies of the law to modify it. Up to about sixteen years ago nearly all the communities were dry. A few still held out. My community of Wichita was one of those that held out. It was a city of 40,000 when I went there sixteen years ago, and the first thing we did was to start a fight. The law and order element hadn't had a newspaper which would lead.

One day along came a man—one of the greatest merchants of the community, and an honest man. He didn't drink. He belonged to the Church. He had two sons. He came to me and said, "Now, Allen, you know I am your friend." "Yes," I answered, "I think I know that." "Well," he replied, "a few of us have had a little meeting and they have told me to come to you because they know we are friends—how some other of your friends—some of the best of them—take the position that you are deliberately hurting their business." "How do you make that out?" I asked him. "Because they are convinced that you can't run this town of Wichita without open saloons," was his answer.

At that time there were about one hundred open saloons in a town that had had prohibition for twenty-five years. The feeling was that nobody ever came to Wichita except to have a high, old time, and that grass would grow in the streets if prohibition ever came. In those days prohibition was violated in a perfectly regular fashion. We elected a wet administration and the wet administration was very vigorous in the enforcement of the law once a month. Once a month it went to the men who violated the law and fined them one hundred or two hundred dollars and said to them: "Now don't you dare not to have a similar amount ready for us in another month."

Well, I had been busy taking down the names of these mutual friends. People said to me, "Understand, Allen, we don't want anything said about

this in the newspapers." "That won't make any difference to me," I said. "This is the best first class news-story that ever walked into my office, and I am going to print it on the first page." And I did.

When election day came around, six weeks later, the town went dry by over 2,500. After sixty days, I picked out three of my best reporters and gave them a list of fifty names of business men who had been wet and had fought the dry issue. "Go and ask them this question," I said: 'How is business now? And before you leave them ask them this: 'How are collections?'" My men brought back answers from forty-nine that business was better and the collections better than they had ever been in Wichita. The fiftieth man sent me a message I cannot deliver here.

As I have said, Wichita was then a city of 40,000 people. But no grass has grown in the streets and, today, it has a population of 98,000. At the time the victory was won it was in a hotly contested fight and by a 2,500 majority. Today, if it were possible to resurrect the issue and call for a vote, nine men out of every ten would vote to keep liquor out of the town.

The story of Denver is a similar one, but newer. When Denver went dry, an Eastern publication asked me to go out and spend the last night of John Barleycorn's life in Denver with John. They were burying him, and they wanted me to go one year afterward and make a comparative report upon the anniversary, showing Denver wet and Denver

dry. So I went. I will not dwell upon the first night. In a year I went back. First I went to the Chamber of Commerce, where they had told me prohibition would mean the slowing down of that beautiful metropolitan city; it would mean ruin; and that the business men who had spent their lives in a struggle had been defeated. I went to that Chamber of Commerce. I met at luncheon some of the Directors as on the former occasion, many of them were the Directors. Everyone of them told me that a year of experience with prohibition in Denver had converted them from the standpoint of business men.

I went down to the Chief of Police. I had introduced myself to him a year before and had told him I would be back. I had said to him: "I want you to remember me." And he did. He had told me that former night that while he knew that much of the crime of the city was superinduced by liquor, yet he didn't believe any law could be passed to make Denver better. When he saw me coming into the room at the end of that anniversary period he tapped the bell and said: "Bring in the book of arrests." He then read me a marvelous story of what a year of prohibition had done in Colorado. The offenses against women and children had decreased over seventy per cent. The arrests for all crimes had decreased over sixty per cent. Some of these figures may not be absolutely accurate, but they are substantially as I got them from the book. Then the Chief said: "Do you remember how Laramie Street looked at midnight a year

ago when the men from the saloons came out?" I said, "Yes." He said, "It is eleven o'clock now, and if you will hang around until midnight I will let you take a shotgun and shoot it up and down Laramie Street and you won't hit anybody." Yet a year before the streets had been jammed with those chaps who had been bounced out of the poor men's clubs along that same street.

I found, also, that the savings accounts had shown an increase above fifty per cent. and the Building and Loan Association were telling the same story. Then I went up into the mining district and talked with the wives of the miners. For some of them it was the first period of plenty, peace and security they had ever known. They had money to spare, and they had discovered this,—that when their husbands got their checks cashed at the grocery store and meat market, they came home with more money than they did when they had their checks cashed at the saloon.

They had come to realize, just as we had in Kansas, that prohibition is an economic question. I wouldn't, for a moment, discredit the great service of those splendid sentimentalists who fought the fight for so many years. They were wonderful, and in their day they aroused public conscience. But when the railroad company adopted a rule to the effect that any man who drank liquor, either on or off duty, couldn't continue in its employ, it began the drive which, eventually, will make the United States of America bone dry,—because economic

life, business life, industrial life began to respond to it, and that's the great story that we have learned in Kansas—that we are better off without liquor than with it.

It isn't that liquor is distasteful to us. We have the same sort of emotions as other folks. We have only one advantage in Kansas over Maryland. Not that I take any pleasure in jumping upon Maryland; but in Kansas almost one hundred per cent. of the population is homogeneous. We are Americans, and the soul of the American is for sanitary conditions, good order and safety. I do not mean to discredit any of those splendid units that have come from foreign shores and have gone into our melting pot, but the only trouble we have had, that continued for any length of time, was with the foreign element. The American—God bless him—knew that prohibition was entitled to succeed; we all know men, today, who drink and violate the law, and yet if they were asked to vote again upon the subject of the Volstead Act they would vote to maintain it. Why? Out of their hard-headed consciousness that it is helpful in a business way. It is that consciousness that has made the United States of America the greatest business nation in the world.

And while it is too bad that so many of the leading citizens still pet their appetites, we can be grateful that with comparatively few exceptions the young chaps are not doing it; nobody is suffering the pangs of hunger as the result of violation of the Volstead Act. This is no time for us to talk en-

couragingly about the desire of modifying the law. Before this law is ever modified it should be given its fighting chance.

Before we talk about changing this law let us see how it works in the communities that desire it changed. Let's give New York and Baltimore and Philadelphia and the other cities that have arisen against it a chance to know whether prohibition is a good thing for them, by insisting that they try it as the law provides.

I am not discouraged. I think the situation is in better hands today than at any time since the law was passed. I think the Federal officers are growing in their capacity to enforce the law. In Kansas they are having rivalry between the Federal Director and the State enforcement officers. They are jealous of each other. When I was Governor the Federal Director used to call attention to the unnecessary activity of the Attorney-General's Department. It was covering the territory twice, he thought.

I think the lines of Federal enforcement are tightening up; I think they will tighten up more; and I think there is only one thing for us to insist upon, and that is, that the communities in which the law is violated shall line up and stand shoulder to shoulder and say to the enforcement officers of state and nation: "Here is your duty; we want you to do it in this community in which our lot is cast."

There is no magic in a mere law. Good government is not a dream. It is an everlasting battle. And in this country those who fight its issues are

those who live under it. And all we need to do in this great land is to take the spirit of this Conference and say, "We have decided now that there is to be no more truckling; there is to be no more weakening; no more wondering as to what we are going to do; we know what we are going to do; we are going to insist upon a program of decent law enforcement." You put that community spirit behind it and you will see the machinery of this great Government, and the machinery of the State Governments, responding to the determined touch of an aroused people, and thus you will settle this problem.

I know it is not necessary that I should go on; I know that nobody is frightened about the future of the United States because of the evil wrought by prohibition. I have just come recently from a long trip abroad; everywhere I went they were talking about the Volstead Act. They didn't all believe in it, but they were all startled into recognition of what we were trying to do. The week I visited London, the people were talking with some merriment about the new order of the Federal Government—that British ships should come into the United States dry. Many were having such a good time laughing at us. Then Lloyd George called a halt on the merriment in the very sensible statement that the United States had gone into this business with the intention of carrying it through. He expressed his faith in our ability to carry it through. And then he said, "When the United States has carried it through, that nation will

have an economic advantage over the other nations of the world which they may never be able to overcome."

That's the end to which we are working, and that's the goal to which we are coming. May God give us the strength and the courage and the energy to carry on the fight, and the soul to be worthy of the victory which we will win as the result of the fight.

XII

LAW OBSERVANCE AND THE SCHOOLS

CLARENCE A. BARBOUR, D.D.,

President, Rochester Theological Seminary.

SOME of us are especially interested in the bearing of this question upon the present life and the future service of the undergraduate student bodies of the land. I am thinking not only of the colleges and universities, but of the secondary schools, both the public high schools and the privately endowed preparatory schools. The undergraduate student body constitutes a great host in America. In recent years that growth has been phenomenal. Practically every college and university is crowded; the problem is the limitation of numbers. The same is true of the privately endowed academies and schools like Andover, Exeter, and many more. The public high school student bodies have multiplied several fold in recent years, an extraordinary increase.

The vast mass of youth in the secondary schools, the college and the university, is plastic. It can be molded; inevitably it is molded. There is said to be a spring in Western New York where two streams flow from one source. They go on either side of a stone that lies at the edge of the spring. The stream on the right flows into the Genesee

River, into Lake Ontario, into the Gulf of St. Lawrence. The stream on the left flows into the Monongahela River, into the Ohio, into the Mississippi, into the Gulf of Mexico. Two drops of water, parting from one another where that stone lies, will find their goal, apart from the possible result of evaporation, as far apart as the Gulf of St. Lawrence and the Gulf of Mexico. Inevitably student life can be turned, and is turned. You can determine the direction of a drop of water. You cannot do that with a human personality, but you can influence the direction. Influence is of two kinds, the direct and the indirect. Of the two the indirect is the more potent? Why? Because against the direct influence the personality may and does set itself in opposition. Against the indirect influence, against the atmosphere, so to speak, it opposes no barrier, and the effect is certain and inevitable.

It is trite to say that the future of the country is in the hands of the youth of today, and it may call for no argument when I say that the future leadership of the nation is in the keeping of the undergraduate student body in its institutions of learning. Upon that body, what will be the unavoidable effect of the condition and atmosphere of the non-observance and non-enforcement of law, particularly that law of which we especially think during these days? Positively disastrous beyond the shadow of doubt. And how, disastrous? In what respects disastrous?

In some cases the effect will manifest itself in

the absolute destruction of life and of useful service. You doubt it? I will cite you one example out of countless multitudes. When I was a boy I saw a man thrown out of the front door of a saloon then doing business on North Main Street, in the city of Hartford. I saw him with my own eyes, thrown out like a bag of rubbish. And I knew him. That man had been the valedictorian of his high school and a graduate of one of our greatest universities. He had taken first place in one of our most noted law schools. He had been a member of the most prominent legal firm in the state. But he had got something out of his school years, beside the acquisition of learning. This thing of which we here are thinking had gripped him, and not many years after his graduation from the law school I saw him, as I have told you. That was in the autumn. In the February following, in the great blizzard that swept over New England, this same man was caught by the storm, intoxicated in the street, fell unnoticed, was covered by the snow, was picked up with hands frozen and feet frozen, was taken to a hospital, an amputation performed on his hands and feet, and, mercifully, under the operation he died. And this thing does the same kind of work today. Do not you doubt for one moment that it works the same process, not once nor twice, among our student bodies. Still it "biteth like a serpent and stingeth like an adder." In some cases, I say, it means the absolute destruction of the life and the useful service of our youth.

In other cases it means the dimming or the blind-

ing of life's vision. That largely determines life,—its vision. The ideal of a building, that seen in vision before ever a spade is put to the ground or a trowel to the laying of stone or brick—the ideal is one of the chief factors in the development of our student bodies. Under the conditions of non-enforcement and non-observance of law, the constitutional and statutory law of the country, the conception of life tends to become in youth a crippled and distorted thing. Such a condition destroys the highest and noblest ideals of life.

Again, there is presented the insidious temptation of the spectacle of easy money, of material success by unlawful means. That was one of the curses of the World War. At the end of the war there were too many newly-made millionaires and half-millionaires in America, as a consequence of war, fattening on the blood and wretchedness of a war-torn world. There are too many men riding in limousines, today, as the result of law trodden under foot. The student world needs to learn nothing more certainly than this,—that the tower of a worth-while life does not grow up in the night like Jonah's gourd. They need to learn that to build that tower costs steady, patient and honorable endeavor. And this thing of which we speak destroys the conception of true success, and leads to an unworthy pursuit of easy money. That is no small count in the indictment which I bring.

Again, it is tending to weaken or to destroy in our student youth the power of that great group of character facts which have to do with the stew-

ardship of life,—obedience, and duty, and debt; what we owe to our homes, what we owe to the nation. The whole condition and atmosphere of the non-observance and non-enforcement of law by criminals who sell and by participating criminals who buy breeds carelessness and irregularity and reckless bravado, and enervating self-indulgence among the youth of the land. There are parts of this country which may remind one of the great painting of Couture, "The Decadence of Rome." It is a scene of bacchanalian excess. Off at the side of the room there are two men whose faces show their realization of the meaning of the scene. Holding the student world in our very heart of hearts, as some of us do, there are not lacking from time to time the most direct evidences of the effect upon the student world produced by conditions in some parts of this land at this very time. I charge that it tends to breed, and does breed, carelessness and irregularity and reckless bravado and enervating self-indulgence among the youth of this country. This is no blanket denunciation of the student world. Every representation of it as such a denunciation is utterly unwarranted. But that there is ample ground for what is here said will not be denied by those who know the facts.

Last of all, the thing against which we give battle is surely eating out the power of the appeal to the heroic. I speak as a lover of these youths of ours. Like some of you, I lived with them in the heavy days of war. Our educational institutions have their rolls of honor—shining rolls of honor.

How wonderful our boys were in those fateful days! I sat one night, in Camp Wadsworth, in a little tent with a group of them, around a bit of a fire to help against the chill of the night. By and by, one of the boys and I were sitting apart from the others and were talking in a very intimate way. Somewhere he had gotten the figures that the loss by death was likely to be about nine to a hundred. Probably he was far astray in his figures, but that was not the point. Here is what he said, very quietly, this American boy: "Nine in every hundred; that means eight and me." He had no thought of coming back. He had deliberately laid his life upon the altar of his country. You know those lines, "The Spires of Oxford,"—

"I saw the spires of Oxford
As I was passing by,
The gray spires of Oxford
Against a pearl-gray sky;
My heart was with the Oxford men
Who went abroad to die.

"They left the peaceful river,
The cricket field, the quad,
The shaven lawns of Oxford
To seek a bloody sod.
They gave their merry youth away
For country and for God.

"God rest you, happy gentlemen,
Who laid your good lives down,
Who took the khaki and the gun
Instead of cap and gown.
God bring you to a fairer place
Than even Oxford town."

Those were English boys, those Oxford boys, but we had the same kind in America. Now I say this: The thing of which we speak here today is destroying the sense of the heroic, destroying the likelihood of successful appeal to the heroic. We have gone back, and no small part of our loss is directly due to the fact of lawlessness, the supine and shameful indifference or surrender to the forces of greed and anarchy, and the effect upon our student bodies is as certain as the working of the law of gravitation.

Unless we have a care we are going to miss the mark. Rome missed it; Greece missed it; the Holy Roman Empire missed it; France, back yonder, when she drove out the Huguenots, missed it; Spain missed it; and this country may miss the mark. A great future for this nation is not of automatic certainty. We have undigested and un-American foreign peoples; we have unfair and irritating distribution of profits; we have extravagance and indulgence in luxuries, and a mad and silly excess of so-called amusement; we have widespread and flagrant contempt for law and disobedience to law. These are among the things which may steal away our birthright, and of the last of these things we now think and speak. I want to quote just this word from the most widely circulated journal in America, in an editorial on "Laws and Criminals,—"As a result of the war, or perhaps as a part of the hysteria that comes of wealth quickly and easily acquired, there is now in America too much contempt for authority—a

spirit of lawlessness that pervades every layer of society."

"As government extravagance encourages private extravagance, so the cynical lawlessness of citizens who feel respectable encourages crime among those who know no other restraint than fear of punishment."

"One need not be a moralist to perceive that the rats are gnawing the floor of his house; and even a fool may understand that flippant, contemptuous, casual and universal violation of law does not add to the security of either life or property."

Yes; the rats are gnawing at the floor of the house, and some of our citizens, who pride themselves upon their citizenship, do not seem to hear the rasp of destroying teeth. As Nero fiddled while Rome burned, unless we have a care, among that which may be lost in irrevocable ruin may be the finest character and priceless service of our student youth, in which resides, so largely, the hope of the Republic.

XIII

THE RESPONSIBILITY OF THE UNITED CHRISTIAN CHURCHES AND RELIGIOUS ORGANIZATIONS

REV. CHARLES R. ZAHNISER,

Executive Secretary, Pittsburgh Federation of Churches.

WE have been hearing a good deal in this Conference about how things are and how they ought to be. As I understand it, I have been asked, after conference with others throughout the nation, to direct your thoughts for a little time, on the very practical question of what we are going to do about it all: particularly, what are we of the Churches to do about it. All of us, I suppose, have become accustomed to two sorts of criticism: We have heard often, very, very often, something like this: "The Churches are impractical and the preachers cowards; the Churches indulge in generalities and the preachers never strike at the real evils of the community." On the other hand, there have been cases where the Churches have become active and have formed vigilance committees, and the preachers have gone into political campaigns. Immediately there was a louder howl: "You are taking the Church into politics; preachers shouldn't become prosecutors." So it has been

a case of, "You catch it if you do, and you catch it if you don't."

Now, I think experience has shown that in both of these regards, we are deserving of criticism. Here you find the Scylla and Charbydis of religious agencies in dealing with this question of law enforcement.

People have a right to make complaint if we deal constantly with mere generalities and do not deal with the real, actual conditions that confront us. Too ofter there has been a wide hiatus between the beautiful principles taught by the Churches and the practical programs followed by the communities. If the Churches are the spiritual power-houses of our community life—and they are—then the community has a right to demand that the power they generate shall actually be delivered one hundred per cent. into the machinery of government, and of the other community activities. We are all of us weary of the type of church program into which all the steam is used in making the wheels of the church machinery go round, and blowing the preacher's horn. On the other hand, experience has shown it is just as great a mistake for the Churches to undertake to do the work for which we have properly constituted civil authorities. If we become prosecutors we find one of two things generally follow: either we fall down in ignominious failure because of lack of resources, or we split our own organizations. Then there are all sorts of practical difficulties that get in the way.

There is, however, a third course. There are a

number of large cities and other communities, more than fifty, in which, during a number of years, there has been worked out a course that is pretty well charted today. It lies, if you please, between the two of which I have spoken. In a word, it is that in which the Church shall take the position today of the prophet of old, who, under the inspiration of God, stood on the wall and cried aloud and warned the people when he saw an enemy coming. It was his responsibility to issue that call of warning and to arouse them to action, and then depend upon them to do the things that were needed to meet the conditions. This, I say, is the general course which is being followed effectively and with real success in a number of communities at the present time. We have found, however, that if we under modern conditions of life are going to follow effectively the example of the prophet of old, the Churches of the various communities must get together on the job. This work is something that no individual preacher can do alone and no particular denomination in any community can do alone. We have had many examples of preachers of courage and earnestness who have started campaigns of this kind. They have always resulted in one of two things; either the preacher came to a place where he had to call on other churches for help and got it, or he got licked.

Now we have found also, in the experience of these various communities, that there is one powerful weapon which we can use. That is publicity; publicity brought about through the earnestness of

deep moral conviction. Persistent and sometimes pitiless publicity is the one power that these communities are using, and it is the one sort of thing, when it comes from the hands of trusted leaders, that the people with whom we deal are never able to face. If there is anything they hate it is the light. That is just because their deeds are what they are. Some years ago the Massachusetts Federation of Churches formulated a slogan which we have come to adopt quite generally in these undertakings throughout the country: "Keep the facts before the people till the people change the facts." We are following that slogan, because increasing experience convinces us that if you keep the facts before the people, the people will change the facts. But let us not be deceived; mere publicity in itself is not sufficient. It must be publicity that is shot through with moral enthusiasm rooted in religious conviction.

In the next place, we have found that if this publicity is going to be effective on the part of the Churches, we must have carefully-devised and well-supervised machinery for getting these facts. I could easily cite many instances, if I were to take the time, where failure or disaster came, because of overlooking this important fact. Churches have gone into campaigns of this type and have found out too late that they have been used as tools by shrewd politicians or sent barking up a wrong trail. It takes a good deal of skill in this game to distinguish between facts and propaganda; it takes a good deal of skill to find your way through the

maze of smoke screen and camouflage our enemies are so adept in using.

Then this experience has shown also, the great advantage the Churches have in that they have their own means of publicity; I mean the pulpit. Newspapers are often of very great help to us, but they are a thousand times more likely to be of help when they know that a hundred or five hundred pulpits are going to carry the message whether they do it or not. It is really interesting to see how ready they are then to rush along for a front place in the procession. I remember some years ago being called into the office of a man of considerable influence in our city, he asked our organization of Churches to go along in an attack upon a certain public official whom he accused of various things in a very vague way. I listened to his whole story. I guess he saw he wasn't getting very far. I presume, he began to surmise that I was not going along. At any rate he suddenly jumped to his feet and said: "I don't like to go into this fight and have you on the other side. We have always been friends and this fight is going to be bitter. But I want you to know that this man has got to go. I don't know what hope you have got; you will not get a line in a daily paper of Pittsburgh."

Then he told in detail how he claimed he had them all sewed up. "I don't give a picayune for all your papers," I said. "There is one thing that a bunch of you fellows need to learn. That is that there is one thing in Pittsburgh you can neither scare nor buy, and that is the Christian pulpit. I

serve notice on you now, Sir, that if you make the attack you are speaking about, I will have at least one hundred and fifty pulpits blare out against you next Sunday. Do it if you dare. You haven't shown a single thing in which this man has failed to do his duty. I happen to know that you are attacking him because he is doing his duty, and as long as this state of affairs obtains we are going to stand by him." They never made that attack. The official stayed on the job until the end of his term.

Now, this is the method we have found effective and are trying to use in these various communities. You will forgive me, I am sure, if I bring my proof of what I have just said from my own district. I have been for twenty years pretty closely in touch with the community movements of the religious and moral forces of the Pittsburgh District in dealing with this and other similar problems. For most of that time we have generally followed this policy. You know Pittsburgh is generally known as one of the wet spots of the country. There we have a very large foreign population. Now, let us see how it has worked out. When we started on a well-defined program of this kind ten years ago, we had a city administration that was largely dominated and controlled by the liquor interests. We have worked down through the years until I can now say, and I do so without hesitancy, that the last two years or nearly two years of the present city administration have been marked by the very best administration so far as public morals are con-

cerned, that we have known in more than twenty years. I can say more than that, and from personal knowledge, that it has come because the leadership of that administration went into office convinced that there was an active, aroused and intelligent public sentiment led and directed by the Churches that would support it in that kind of program and would be a mighty dangerous thing to face if it didn't.

In Allegheny County, you probably are aware, a Democrat is just about as rare a bird as a Republican is in Atlanta. Nomination on the Republican ticket ordinarily means election. We have just had a very bitter fight between two political factions in the recent primaries of that party, in which one of the important struggles was over the District Attorneyship. Both factions brought out candidates of unquestioned Christian character, standing flat-footed on this question. A leading political figure, who wanted to run as a wet, couldn't get any political support of enough importance to justify him announcing his name. Now as to the State; in the last Legislature Allegheny County delegation broke even on the Temperance issue in the Upper House, and doubled her vote in the Lower House. In fourteen other surrounding counties, where these methods were used, there was one wet in the Upper House and four in the Lower.

Now, I am sorry to say our present situation is this; we are being handicapped, local, city, county and other officials are being disheartened and discouraged, by a wet blanket that is constantly thrown

over our endeavors by the policies of the representatives of the Federal Government. Now, do not misunderstand me; I have listened to all the praise here from Commissioner Haynes and Mrs. Willebrandt, and I agree with every word of it. I say this, too, on the basis of intimate knowledge of testings through which they have gone, of which most of you probably do not know. Nevertheless, we face some facts that are most disheartening and discouraging, and we need now, not only in every community, but on Federal matters here at Washington also, some such effective organization or agency of the Churches as we have in these relatively few communities, that is going to give us the facts fairly, squarely and honestly. What we want are the facts. We do not want them from any Administration defending itself nor from its enemies attacking it. We want them from a fact-finding organization or institution of our own that goes at it with one great concern; to find out who is responsible and to let the people know who they are. Then we can depend on the people to take care of them.

For example: We would like to know things like this—we would like to know why at the present time we have this beer situation in Pittsburgh? The breweries in Pittsburgh are not putting out real beer; the owners say they are ordered not to do so. But Pittsburgh is being literally flooded with beer coming from Philadelphia and other Eastern points. Of course, I know a car-load is sometimes seized and put in bond for a time and

then released. But it is only one in a score or so. I know this; our Pittsburgh retailers are paying fifty dollars a barrel for beer. They have made their own investigation and have found that the breweries get eighteen dollars a barrel. They figure it costs about two dollars a barrel to deliver it. We would like to know who is getting the other thirty dollars. We would like to know why it is that we have had put over us as the Federal District Attorney in our community, and kept there against the protest of the Church people, a notoriously wet politician. We would like to know, too, why we have for his first assistant, the son of a wholesale liquor dealer, who himself was for years a faithful leader for the wet interests in the State Senate. We would like to know why it is that practically every case against any big politician down our way, even before it comes before the courts, has brought to bear on it mysterious influneces from Washington or elsewhere with the result that the case is never tried.

We would like to know, too, why the case of 40,000 gallons of whiskey being withdrawn from the Overholt Distillery " for medicinal purposes " in Beadling, a little mining hamlet of one hundred and forty-five people in Allegheny County, and captured on the way from the storehouse and information made against an official of the distillery and the man who withdrew the liquor. We would like to know why half-a-dozen others of a similar kind I might mention were also *nolle prossed.* We would like to know why people

recommended for positions in the enforcement service by the temperance forces are seldom appointed, while former saloon keepers and other of known wet sympathies are given the jobs. We would like to know, for example, why a certain man who was seeking an appointment in this service (not in my own community, I may say, nor yet in my own State) and who was known in his own community as a crook, a criminal and a boot-legger, was appointed, and is, I believe, still on the force? I am informed that nearly a score of affidavits from reliable people, setting forth his record, were lodged in Washington. We would like to know why wet politicians in our wet communities are permitted to select the men who are to enforce the dry laws among us and whom Major Haynes is compelled to use? We, the weaker dry forces in the wet communities, need the support of you stronger ones in the dry districts. To get it we all need the facts. Through some kind of an agency let the people of the country know who are responsible for these conditions, and the people will attend to them, and to the conditions, too.

XIV

PRESERVATION OF LAW AND ITS SIGNIFICANCE TO AMERICAN DEMOCRACY

HON. LOUIS MARSHALL,

Member of the American and New York State Bar Associations.

DURING the past three days of this Conference so much has been said, and has been so well said, regarding the purpose which has called it into being, that there is but little that I can add which will not be in the nature of repetition.

There is no need to discuss the reasons which led to the adoption of the Eighteenth Amendment to the Constitution of the United States and to the enactment of the Volstead Act. They are an integral part of the law of the land. The question now before the American people is whether or not there is to be a differentiation as to the enforcement of this Constitutional provision, or of this Statute and all other legislation? Under the Constitution, whatever is contained within that sacred instrument is the supreme law. No exception to the sacredness of any of its pronouncements can be tolerated. We cannot permit the idea to gain a foothold that a different sanction than that contained in the

Constitution is required for the Eighteenth Amendment than that applicable to the first or the Fourteenth. The Constitution alone declares the methods by which it is to be amended. The Congress of the United States is first to act by a vote of two-thirds of each House regarding the subject-matter of a proposed change in the organic law. The Legislatures of three-fourths of the States must then ratify the action of the Congress. If they do, forthwith any amendment so adopted is equal in sanctity with every other part of that instrument, especially after its validity, and that of the legislation pursuant to it, has been sustained by the Supreme Court of the United States.

Nobody has, until now, ventured to say that an amendment to the Constitution has no force unless it is desired by those against whom it is directed. There is nothing in the Prohibition Amendment that makes it efficacious only, in the event that it pleases A, B, C or D, to make it so. The people have spoken. Their will is the law, and must be obeyed, and any person, however high his position —even though he may be a college president—mark you I do not say an ex-college president—who advocates any doctrine to the contrary, is guilty of treason.

It is, therefore, my purpose to discuss the subject which has led us to convene here just as I would the enforcement of any other enactment, and I shall do so the more willingly because there is a growing tendency on the part of a considerable number of our citizens to look upon those who

worship the Constitution—and I use that phrase advisedly—as worshiping a fetish. I am proud to say that in my eyes the Constitution of the United States is as sacred a document, as potent in its commands to all good citizens, as necessary to be obeyed, as the Decalogue itself.

If we may engraft exceptions upon any part of the Constitution we would not differ one hair's-breadth from those free spirits who do not hesitate to create exceptions for their personal satisfaction to each one of the Ten Commandments. I have been referred to as a Levite. Be it so. I am now speaking unashamed as a Levite. In doing so I am true to my ancestry, loyal to my traditions, and faithful to the Word of God. Although there are those who sometimes characterize such a point of view as legalistic, I have no hesitation in saying: "Would that there were more legalism in our country today." We would be the better for it.

I am not here to criticize what any other speaker may have said during this Convention, but I wish to plant myself, at least, upon a platform which I can support and by means of which I can advocate conscientiously the enforcement of the Eighteenth Amendment and of the Volstead Law, so long as they shall remain a part of our law. Commissioner Haynes, for whom I have the utmost respect, said: "I am quite sure that some of the present difficulties arise from the fact that many people have lost sight of the moral and religious element, depending upon legalism to accomplish the task." There is a

covert slur against legalism in that phrase. Now what is legalism? What, but the crystallization in the form of a command of that which emanates from accepted authority, acting within the scope of its powers and based on moral and ethical concepts. The Ten Commandments are a law. The Constitution is a law. Our penal code is a law. Obedience to these laws and insistence upon obedience to their mandates is legalism. Legalism insists upon the observance of law according to its spirit. Every law placed upon the statute book, and particularly a Constitutional Amendment, is, from the very nature of things, based upon the ethical and moral concepts of the people as formulated by them by constitutional methods. Consequently there can be no sounder theory to justify insistence upon the strict enforcement of the law, especially under a republican form of government, than that of legalism. "It is the law!" It must and shall be obeyed!

There was a time when the adoption of the Eighteenth Amendment was thought impossible. But, it has now been actually accepted in accordance with prescribed legal methods. No matter how much the moral sense of the community might have favored it, had not that conviction been made vocal, in conformity with law, it would not, today, form a part of our organic law. So long as Congress, acting within its powers, has paraphrased the constitutional behest by means of the Volstead Law, that law must be observed by every citizen worthy of the name. That does not mean that if the people

should ever decide, by constitutional methods, to change the Eighteenth Amendment, or if Congress should in some particular make the provisions of the Volstead Law either more drastic, or less stringent, that it may not be done constitutionally. Nor may it be justly contended that one who favors, by following constitutional methods, the changing of the law, should for that reason be looked upon as a law-breaker or as an undesirable citizen. So long as he keeps strictly within the law, remains loyally within its pale, and complies with the terms of the Constitution relating to the amendment of the organic law or the Statute law, he is within his rights. But if he seeks, by his own act of disobedience, to nullify the law, then he has passed beyond the limits of good citizenship.

Let me also say that in our zeal for law enforcement we must not be unjust to our public officials. There are doubtless men who do wilfully neglect their duties in connection with law enforcement. There are others, whatever their private opinions may have been with respect to the adoption of this Constitutional Amendment, who nevertheless have done and are performing their full duty in seeking to enforce it. Reference has been made at this Conference to the Solicitor-General of the United States. I venture to say, as one who knows him intimately, that never in the history of our Government have we had a more faithful law officer than the Hon. James M. Beck. He has done more than any one man to give effect to the Eighteenth

Amendment, by putting teeth in it. It was he who argued in the Supreme Court of the United States and procured the decision to the effect that the ship stores law was constitutional. It was he who gave effect to the provision of the law with regard to the warehousing of liquors and their withdrawal from warehouses. It was he who procured the decision in the Lanza case which recognized the right of both the Federal and the State Courts to prosecute for the same act one offending against this legislation. It was he who, last summer, while in England, insisted before a British audience, upon the soundness of these decisions and who courageously admonished Englishmen against aiding those who might seek to violate our laws. We have nothing to do with his former opinion. All that we have the right to ask him is whether he has performed his duty as a public official, and zealous though I am for law enforcement, as an obligation of fairness, I take it upon myself to say that he has, at all times, willingly, ably and successfully performed his duty to make the Volstead Law effective.

Now what does contempt for legalism mean? What does it spell? When we analyze the ground of attack on the Eighteenth Amendment, we find that in effect it comes to this: "You have enacted a strict law, a technical law, one which does not suit those to whom its provisions are distasteful. Consequently, being legalistic, it is not a law which should be observed." That is really all that the argument against legalism means. My answer is that contempt for legalism amounts to anarchy,

pure and simple. It will not do, to regard as a moral precept, the words of the old song,

> "No matter what you do,
> If your heart be true."

What concerns us is to know whether or not a man is a good citizen who sneers at the law and sanctions its violation. I care not how exalted a man stands in private or in public life; nor how much of a society leader a woman may be; they are engaged in subverting the fabric of the State if, in violation of the letter or the spirit of the law, they indicate by their conduct that they do not mean to observe and are ready to co-operate with other malefactors to violate it, by tempting them to do so. They have not only failed in the performance of their civic duties, but they are themselves contemptible criminals.

The lyncher is always impatient with legal processes. He says: "This man has committed a crime; I do not propose to await the tardy wheels of justice or to be quiescent until the courts get through with him; I shall not wait until a grand jury is empaneled and finds an indictment, or until witnesses are called and the case is determined by a petit jury according to the slow legal methods; I mean to hang him now. Let the trial take place afterwards." That is the same sort of conduct as is pursued by those who, posing as good citizens, are nevertheless unwilling to await action taken according to constitutional methods to determine

whether or not the people are prepared to change their Constitution or their laws, but absolving themselves from the duty of obedience, take the law into their own hands and proceed according to their own sweet will to circumvent it. Instead of lynching an individual; instead of illegally taking one man's life; they are committing a crime against Law itself. There is, therefore, no difference between a lyncher and social leaders who are bootlegging the Constitution. There has never been a violator of any law, human or divine, which stands between him and the accomplishment of his purposes, who does not sneer at legalism.

The thief does not believe in the Eighth Commandment, nor in the statute against larceny. The perjurer does not believe in the Decalogue nor in the law against perjury, and so every man who commits a crime rebels against the restraints of the law. The poet has well said,

> "No wretch e'er felt the halter draw,
> With good opinion of the law."

We are not concerned with the opinions of such men, but with the realization of that noble ideal of the American people, that this shall forever be a Government of laws and not of men.

In ancient society civilization depended, as in modern life it still depends, on respect for and the recognition of the supremacy of the law. Whenever the reign of law is at an end, chaos will prevail.

Now what is this conspiracy—for such it is—on

the part of a considerable portion of our citizenship against the enforcement of the law, but an attempt at nullification? Nullification through an effort to prevent the law from taking its due course; nullification by a multiplication of offenses and the commission of a vast number of crimes and misdemeanors. We are not without experience in this country with efforts at the nullification of the laws, even of the Constitution. Governor Pinchot referred to the Whiskey Rebellion which occurred during the administration of George Washington. But we have had even more serious examples of nullification in our history. The Virginia and Kentucky Resolutions of 1798 and 1799, against the enforcement of the Alien and Sedition Acts, afford significant illustrations. The proposed action of the Hartford Convention is another. The proceedings of the South Carolina Legislature from 1830 to 1832, which sought to annul the tariff laws and those which provided for internal improvements, are even more in point. A statute was passed which defied the Federal government and which sought to tie its hands by declaring: "No appeal from a South Carolina Court to a Federal Court shall be allowed," thereby seeking by revolutionary methods to prevent the enforcement of the law. That sturdy patriot, Andrew Jackson, met the attempt with the historic pronouncement, which put an end to that effort at nullification,— "Our Federal Union, it must be preserved." So we say: "Our Constitution and our laws, they must be preserved." Then came the Rebellion of

1861, which was only another experiment in the art of nullification. It was an attempt, by force, to overthrow the Constitution. Fortunately, it was, I trust, the last serious effort by direct means to overthrow the frame-work of our Government.

But now a new device is being employed to accomplish the result, which violence was powerless to achieve, a method more dangerous, more insidious than by resort to arms, to overthrow the Constitution. If the attempt were made openly, by means of force, the people would put an end to it in thirty minutes. But when subterranean means are employed to undermine the structure of our Constitution and our laws and to deteriorate the moral fibre of the American people so that they will deride the idea of law enforcement; when, on every stage, in every newspaper, wherever men do congregate the law is made a subject of a ribald jest; that, I say, constitutes the most alarming attempt at nullification that can possibly be conceived.

I have incidentally mentioned the attempt, under the leadership of Calhoun, to nullify the Tariff Law. Merely for the purpose of illustration let me suggest this: Under our revenue laws which regulate the importation into this country of merchandise from abroad, customs duties are imposed upon a large number of imported articles. We likewise have our internal revenue laws. We have our income tax. Now I have no doubt that there are many who do not relish the customs laws and who are not enamored of the income tax laws, and

who, in fact, do not enthusiastically delight in paying taxes. Should those who now bid defiance to the Volstead Act succeed in laughing it, together with the Eighteenth Amendment, into that degree of defunctness of becoming what is known as "dead letter," will it not be similarly easy for others to disobey, at the same time salving their conscience with the idea that they do not like the law and that, therefore, it should never have been passed, to violate at will the customs laws and all the revenue laws of our country? What, then, will become of our Government?

It is not the most popular thing in the world at this time to refer to anything which is more ancient than a year old. And yet I take the liberty, before this audience, to call attention to a book written just one hundred and seventy-five years ago, by that great political philosopher, Montesquieu, "The Spirit of the Laws." It is of unusual importance to the student of our Constitution, because it is one of the sources whence was derived the theory of our Government. It is replete with aphorisms, by the aid of which the Fathers of the Republic shaped that transcendent charter of government. He divides all governments into the democratic, the aristocratic, and the despotic. In the first of them, the sovereign power is reposed in the people acting as a body. When power is lodged in only a part of the people, the government is aristocratic in form. When it is possessed by one person and his advisers, it is a despotism. The essential principle upon which a republic

depends is virtue, an aristocracy, honor, and a despotism, force.

Dealing with this aspect of the subject, the author said, in words which are as true today as they were when first written: "When in a popular government the laws cease to be executed, it can only be because of the corruption of the republic, and then the state is already lost."

One of the many commentators upon this work, himself a most distinguished publicist, La Harpe, says: "It is a fact that republics have been established everywhere during epochs of virtue. Behold the Romans in the days of the first Brutus, the Swiss at the time of William Tell, the Dutch in the era of Nassau, and the Americans in that of Washington. It is at a time when men have appeared at their greatest and have deserved to be free. It is in this glorious contest of natural and legal freedom against the real abuses of absolute power that they have performed miracles of courage, patience, moderation, disinterestedness and faithfulness; in a word, all that we most admire in history and which renders a people respectable in the eyes of posterity. Republican government depends principally upon the spirit and character of the greatest number."

Permit one more reference to Montesquieu: "In a republican government," he says, "there is needed all the power of education. Political virtue spells self-abnegation. This virtue may be defined as the love of law and of country. This love demands a continual preference of the public interest

to one's own. This love is singularly affected by democracies. In them alone government is confided to every citizen. As in everything mundane, to preserve government one must love it. Everything, therefore, depends upon the establishment of this life of the republic. To inspire it should be the aim of education, but in order that the children shall acquire it, the fathers themselves must possess it."

Finally, he asks: "In what kind of government is criticism required?" This is his answer: "In a republic where the principle of government is virtue. Not only do crimes destroy virtue; but carelessness, defaults, a certain relaxation in love of country, dangerous examples, the sowing of the seed of corruption, acts which do not directly shock the laws but which evade them, those which do not destroy but which weaken the law."

The wisdom and the truth of these observations were never more apparent than they are at this time, and especially when one considers the present laxity in law observance and in law enforcement. These words, uttered one hundred and seventy-five years ago, constitute a pretty good program for the American people today.

The Constitution is our *sanctum sanctorum.* It is an instrument of sacred import. It has been the hope and the refuge of millions of the oppressed and the persecuted. It has been the guiding principle of the freest government on earth. It has afforded protection against the aggression of the mighty and the powerful. It has given assurance

that the reign of law is to be perpetuated. Let no unhallowed hand be laid upon it. Let it not be trampled under foot by those who would rather destroy it than to curb their appetites. The Constitution which survived the conflict of the Civil War, which put an end to slavery and the hateful attempt at nullification, will again rise triumphant over its enemies, and will continue for ages beyond our ken to cast its divine radiance over all the earth.

XV

SHALL THE CONSTITUTION OF THE UNITED STATES BE NULLIFIED?

HON. WILLIAM E. BORAH,

United States Senator from the State of Idaho.

THE subject which has been assigned to me brings before us the Constitution as an entirety, as a charter of government. It includes every part of the Great Charter. It covers the whole document, a document which has been our pride, our bond of union, and the basis of our power, and which is a guarantee of our future. The supreme question which is presented is whether we have consciously, or unconsciously, come to the conclusion that we can no longer abide by a written constitution or that we may disregard the principles under which the government was organized. There is no theme in which I could feel a deeper interest and yet none which I could feel myself less capable of adequately presenting. It is a much greater question than any possible question which could arise by reason of any particular provision of the Constitution. It involves the supreme proposition of whether we are a people who believe in law and order. While this, or that individual, may be interested in this, or that particular provision of the Constitution, we must bear in mind, how-

ever, that only as we observe the great Charter as a whole, live up to it in its integrity, and express by word and action our belief in constitutional government, shall we succeed in preserving the integrity of any particular provision.

My subject does not place upon me the duty of arguing the wisdom or unwisdom of any provision of the Constitution. That question is settled when any particular provision is placed in the Constitution. I take the instrument as I find it—the crystallized views of a nation, and mean to insist that it shall be maintained and enforced as written. No one can question, no one desires to question, I assume, the right of a citizen, or a body of citizens, to urge a change in the Constitution, to take out any provision which they deem unwise, or to put in any additional provision which they may think proper. No one can challenge the citizenship of those who, candidly and openly, advocate a modification of the Great Charter. The supreme test of a free government is the right of a people to write and unwrite its constitution and its laws. The supreme test of good citizenship is to obey the laws when written. If we are not prepared to obey the laws when written, consciously or unconsciously, we have put aside the only principle upon which a representative republic can exist.

In discussing the integrity of the Constitution, I want to go back in history a short way. In a large measure, I think, the disregard which obtains for the Constitution is one which has grown up by reason of most unfortunate precedents. It seems to

me our duty to review these precedents and to bring home to ourselves the question of whether we may not do something in the way of removing some of the precedents which have been established. It was often said during the late war that as soon as war was declared the Constitution of the United States was in a sense, or in some respects, suspended and that the Congress could pass any law it should see fit to pass. This is a strange doctrine. When it was first announced, it seemed to me almost absurd, and yet it was seriously advocated by learned and able men, accepted by legislators and executive departments. The view was honestly entertained by people whose integrity of purpose you could not question. But a more vicious principle could not be announced under a written constitution. For myself, I repudiate it once and for all. No such dangerous and un-American doctrine should be accepted or admitted by the people of this country. The Constitution of the United States cannot be changed, modified or amended or suspended, or any part of it, except in the manner and through the processes pointed out by the Constitution itself, that is, by the people of the United States. Every clause, every line, every paragraph of that Great Charter obtains in time of war, as in time of peace. I am not going to discuss this proposition at length. But think a moment of the contention that because the Congress of the United States sees fit to declare war, it would be able to suspend, or modify the provisions of the Constitution under which we live. The supreme dictators of

ancient days would not have asked for any different doctrine.

I pause long enough to read to you a single paragraph upon that subject from a noted and noble decision of the Supreme Court of the United States. It contains all I need say upon this subject: "The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the government within the Constitution has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to overthrow its just authority." That is the true doctrine, and the only one which we, as a free people, can afford to accept—that the Constitution binds every individual, every citizen, every organization and all departments of government; that it binds the Supreme Court of the United States and the Congress and every officer of the executive department, the same in time of war as in time of peace; and let the people of the United States maintain this at all times. Let the people of the United States understand that this is their instrument of government and that with the people, and the people alone, rests

the power to change it. So understanding and so believing, they will have infinitely more respect for it in the future than if they should come to the belief that it is within the power of the Congress of the United States to change, modify or suspend it.

Let us follow this matter a little farther, and observe some of the consequences of the doctrine that war suspends the Constitution,—consequences which may not be passed over. I have often thought if I were going to be asked to select any particular provision of the Constitution, or any particular amendment of the Constitution, which I should regard as more sacred than all others, it would be the First Amendment, guaranteeing free speech, a free press, and the right of peaceable assemblage. Around this great principle the whole cause of free government has been successfully organized and fought. A great American has truly declared that you may chain up all human rights save the right of free speech, but leave speech free and it will unchain all the rest. The principle of the First Amendment of the Constitution is absolutely essential to the organization and maintenance of any form of free government. Indeed, it is the supreme test of a free government. I beg leave, therefore, to refer to it for a moment. May I read it to you? "Congress shall make no law respecting an establishment of religion, or prohibit the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances."

That is the First Amendment, and if there is a principle in that Constitution that is sacred, there it is written. And while I may subject myself to criticism, in my opinion, that provision of the Constitution has been disregarded and violated for six long years. Such are the effects of war upon the Constitution; such are the effects of war in breeding hate and intolerance; that there are men in prison today—not for the destruction of property, not for acts of violence, but because they were charged with expressing their political views upon political questions. But what is still more startling, they are there without any legal evidence sufficient to hold them. I have here before me (but which I shall not trespass on your time to read) ample evidence of what I say to you. I would count myself a whining hypocrite if I were to come here and ask for the enforcement of the Eighteenth Amendment and dared not open my lips in behalf of the men who have been denied the protection of the First Amendment of the Constitution. If I cannot speak for the Constitution as a whole, I should not speak at all. And if I do not respect the Constitution as a whole, I am unfit to speak in behalf of any part of it.

Let us announce to the people that all the provisions of this Constitution are sacred to us, that we propose to uphold and maintain them and devoutly respect them. Let it be understood that we are here asking for the enforcement and the maintenance of the Great Charter under which we live in all its fullness and in all its integrity. Let us go

to the people with a proposition that it is a question of order and law—a question of orderly and regulated liberty—for which we are contending; and we shall make progress with reference to those things in which we are peculiarly interested at this time.

There are other provisions which I should like to mention and which I think are not receiving proper consideration. But I have referred to these particular provisions to illustrate to you my belief that when you come to defend the Constitution, you must look at it as it is, as the greatest instrument of government ever devised by the wisdom of man, and that it is that instrument of government, the integrity of which is so essential to our happiness, our liberty, and our future prestige and power, for which we are contending. I recognize, of course, that the storm center of the Constitution just now is the Eighteenth Amendment. Let me discuss that for a brief period:

Perhaps no provision of the Constitution ever went into that instrument after more consideration and more deliberation, more agitation, more discussion, than the Eighteenth Amendment. Thirty-three states prior to its adoption had established state-wide prohibition; the subject had been discussed among and before the people for the last fifty years; every State legislature had adopted the principle in some form or other. Finally, the amendment came before Congress, was discussed in both bodies of Congress, went to the respective legislatures of the States, was considered by the

legislatures, and ratified by all the States except two. Certainly, no one can contend that this provision of the Constitution is there by accident. Certainly, they cannot successfully contend that it went there without proper discussion and consideration. The amendment is there as the deliberate, expressed will and wish and purpose of the American people. It carries the same sanctity and the same force as any other provision of the Constitution. It is there, and so long as it remains there, it is vital to the cause of good government, to the cause of constitutional government, and to the cause of law and order, that it be lived up to and maintained in all its integrity. There can be no more vital problem presented to a free people than the problem of whether or not they can hold and maintain the Constitution which they have deliberately written.

What did this constitutional amendment do and propose to do? It established, in the first place, a great national policy. It did not undertake to deal with the liquor question as an article of interstate commerce, or as a matter exclusively for Federal control; but the Eighteenth Amendment declared a great national policy,—namely, that intoxicating liquors should not be manufactured, sold or transported throughout the United States, or any part of it, that they should neither be imported nor exported. Here, therefore, was a national policy declared and written into the fundamental law as the deliberate, the unmistakably expressed will and wish of the people of the United States. The ques-

tion presented, therefore, is a greater question than that of prohibition. Important as the question of prohibition is, the question which is now presented is the enforcement of the amendment, the higher and bigger and broader question of whether we, as a free people, can maintain and enforce the provisions of the Constitution as they have been written. That involves the whole question of constitutional integrity, of constitutional morality—indeed of the ultimate success of free government itself. Let us view it from that standpoint as we consider the question.

But the constitutional provision went further than the mere declaration of a national policy. It declared, or granted, the power to both the state and national governments to execute and make effective that national policy. It gave concurrent power to the state and to the national government to see that the policy was made effective. It did not leave it to the national government. It did not withdraw from the states the powers which they had had and lodge them in the national government; but after declaring a national policy, it placed the obligation upon both the state and the national government alike to enforce it.

There has been much discussion about the duty of the state under these circumstances. It is a subject about which earnest and able men may differ. But the discussion has seemed to me to proceed upon too narrow and too technical a basis. It is not alone a question of what the State is legally bound to do or what it may be compelled to

do, but what should the state as an integral part of the American Union and acting in the integrity and purposes of that Union, do. Certainly we cannot mandamus a state to pass a law or to execute or enforce a law. But there is an infinitely more compelling power calling the state into action, and that is, the fact that the state is an integral part of the American Union. The whole purpose, the very existence of the Union requires and depends upon concerted action in carrying out the aims and purposes of the Union as expressed in the Federal Constitution.

We live under two sovereignties. We seek to combine and utilize local and national interests in one grand purpose. We are endeavoring in this way to work out the great problem of representative government. Is not every state a part, and anxious to be considered a part, of that purpose? Is not every state interested and deeply concerned in working out that problem? Is not every state bound in the most solemn way to contribute to the fullest extent of its ability to the solution of that problem? Who wants to be considered a slacker in the most sublime task ever undertaken in the affairs of government—that of demonstrating that a people may govern themselves, govern under established law and in the spirit of regulated liberty. Does anyone think such a task possible of achievement, if sovereign states withdraw or withhold their most zealous support of the supreme law of the land or any part of it? Forget for a moment that the Eighteenth Amendment covers the ques-

tion of prohibition and think of it only as a part of the Charter under which we live and to which we owe allegiance and support, and how plainly the duty of every individual and of every State appears.

I know it is argued that the state's sovereignty has been encroached upon unjustly by this provision of the Constitution. But I contend most earnestly that goes only to the question of change in the Constitution, a right which no one can deny to those who would undertake it. But it is wholly irrelevant upon the question of maintaining the Constitution as it is written. It is not for prohibition as such that I am speaking this evening, but for the integrity of the Constitution, the more fundamental and indispensable and vital principle of government, the maintenance of law. If the proposition of change in the Constitution were up for discussion, the wisdom or unwisdom of doing so would be a wholly different matter from that which we are now considering. But prohibitionist, or anti-prohibitionist, we ought as good, loyal citizens to be willing to support the law so long as it is the law.

There are other amendments to the Constitution which thousands of our people dislike. But they are there. They are the expressed will and purpose of the whole nation. They should be lived up to and enforced. One state may be dissatisfied with the Fifteenth Amendment, another state may be dissatisfied with the Fourteenth Amendment, another state may be dissatisfied with the Thirteenth

Amendment, another may be dissatisfied with this or that portion of the Constitution. Suppose the doctrine which has been invoked that a state may stand aside and withdraw its support were applied by all the different states of the Union as expressed by their people as to some particular provision of the Constitution, as Daniel Webster said many years ago, our entire structure would go to pieces. If someone thinks the Eighteenth Amendment is unwise and desires to come out before the American people and advocate its being taken out of the Constitution, neither you nor I can criticize him; that is a right which he has.

But so long as it is there written; so long as it is a part of the Constitution, the question of state rights can have no hearing when the question of enforcement is up for consideration. The question of state rights was fought out when it was before the state legislatures; and the states, as sovereignties, said: "We delegate this power and are willing to co-operate with the national government." And it is not the part of any government or any individual representing a state after that judgment has been rendered to say: "In my opinion, it encroaches upon state rights." It is a fearful doctrine which has been preached to us, this doctrine of disregarding the Constitution under the claim of state rights. It breeds lawlessness like the poison of the swamp breeds the germs of disease. It is a libel on the whole theory of the American Union. It is an indictment of the whole superb scheme of 1789.

There is a well-organized movement in this

country against a class of people who it is said are unfriendly to our form of government and our Constitution, a class of people who are designated as reds and radicals. Those who are uneasy about the rights of properly as guaranteed by the Constitution are greatly interested in this work. They have a thorough organization dealing with the subjects of anarchy, communism and bolshevism, and those things which they feel undermine our government and destroy the stability of our institutions. I thoroughly sympathize with their desires to inculcate respect for and loyalty to our institutions. I think you cannot spend too much time in educating the American people in the worth of the institutions under which we live and of the value of our form of government. I agree with the encomiums which you constantly find in our literature dealing with this class of people. I think these people, so long as they go about it in a moderate and educational way, are doing a good service by constantly calling attention to the inestimable worth of our fundamental law and what its defiance or destruction means.

A man who comes to our shores and openly defies our Constitution is a most unworthy creature. But he is not so reprehensible, so much to be criticized, it seems to me, as the man who has been reared in this country, who has had an opportunity to know the beneficent worth of our institutions, who has witnessed the value through all these years of the law under which our government lives and who still disregards or defies some particular provision

or amendment because it runs counter to his personal interests or personal views or personal vices. Let me say here today that many of those people of property,—not all of them, of course—many of those who are much agitated over the question of foreign propaganda and its undermining effect upon our Constitution, are the most pronounced, insistent, and persistent, violators of the Eighteenth Amendment to the Constitution. The hotbed, the flouting, noisy rendezvous of lawlessness, of cynical defiance, to the Eighteenth Amendment, are among those of social standing, of large property interests, and in the wealthier homes. Without their patronage, their protection, and their example, the bootlegger could easily be brought within the control of the law. I repeat again, I am thoroughly in sympathy with their anxiety over foreign influence upon the Constitution, but I must say in all sincerity that just to the extent that they undermine respect for the Constitution, respect for law, by the lives which they lead and the examples which they set and by the influence which they exert against the Eighteenth Amendment, just in that proportion, to that extent, they are also undermining those provisions of the Constitution which protect property.

The Eighteenth Amendment is in the Constitution by the same authority as the Fifth Amendment which throws its protection around life and property. The undermining of one undermines the other. The Eighteenth Amendment is in the Constitution by the same authority and with the same sanctity as the Fourteenth Amendment, which

stands between the state and the property holder against all assaults by the state. That which undermines the Eighteenth Amendment undermines the Fourteenth Amendment. The Red sits in his dimly-lighted room around his poorly-laden table and denounces those provisions of the Constitution placed there to protect property. The white sits in his brilliantly-lighted room about his richly-laden table and defies or denounces the provisions of the Constitution placed there in the belief they would protect the home. I leave it to all good citizens whether it is not true that both are traveling the road of lawlessness, both sowing the seeds of destruction, both undermining the whole fabric of law and order.

Let these people of influence who insist upon satisfying their appetites against the expressed will of the American people understand that they cannot have their property secure, that they cannot have their homes safe, that they cannot protect their wealth and those things which they deeply cherish, if they continue by their examples and by their precepts to sow the seeds of lawlessness throughout the United States.

We all know, from a review of history, that lawlessness is the insidious disease of republics. It is the one great malady against which every true patriot will ever be on guard. It is but a short step from the lawlessness of the man of means who scouts some part of the fundamental law because, forsooth, it runs counter to his wishes, to the soldier who may be called into the street to protect prop-

erty but, who, taking counsel of his sympathies, fraternizes with the mob. The great question, therefore, before the American people now is, not that of prohibition, because that as a policy has been settled. The supreme question is: After we have determined as a people upon prohibition, whether we have the moral courage, the high determination, and the unwavering purpose to enforce that which we have written into the Constitution.

In these anxious days almost everyone has a plan or a scheme for the betterment of conditions—for the adjustment, or readjustment, of things which seem so strangely, so persistently, out of joint. But if I were going to inscribe a banner under which to make the fight for sound economics, for moral advancement, for a wise and efficient government, a banner with which to arouse the dispirited and discouraged millions of brave and loyal citizens, I would precede all other inscriptions, plans and pledges with that of obedience to the law because it is the law. There are hundreds and thousands of people, with the number daily increasing, who would like to feel safe in their persons, safe in their workshops and homes, who would like to feel that justice can be administered and laws enforced, and that the provisions of our Constitution which protect property are no more sacred than the provisions which protect human rights and moral values.

What shall it profit that leaders have planned and patriots have striven and sacrificed through all these years if we have come at last to the fearful, ac-

cursed, creed that constitutions are to be disregarded, laws to be evaded or defied, and finally, that we are to accept and put in practice the vicious and destructive and savage rule that every man is a law unto himself? The bed-rock formation upon which great civilizations and powerful governments are built is obedience to the law. That is the beginning and the end of all good government. Without it we cannot hope for happiness and prosperity at home or prestige and power abroad. We have arrived at the time when we can afford to, when indeed we must, invoke the old virtues, appeal again to the simple precepts of government, and make obedience to law a cardinal tenet of our political faith. We do not need a new faith. We need the simplicity, the directness, and the self-surrender of the old. We need to preach the creed of Washington, Jefferson, Jackson and Lincoln with a tongue of fire throughout the land. We need to have constitutional morality declared as was the gospel of old to the high and to the low, for against this neither "things present nor things to come shall prevail." You can no more leave behind the fundamental principles of right and justice, of respect for and obedience to law without paying the frightful penalty than a people, however high and strong in their material power, can abandon the simple pronouncements of Sinai without sinking into utter and hopeless degradation.

Sometime ago, down in the great Commonwealth of Kentucky, I visited the place where Nancy Hanks, prematurely old and broken, nursed and

nurtured and cared for the most extraordinary child yet born under the American flag. As you stoop and enter that hovel and reflect, as you will, upon the squalor and the wretchedness which a century ago environed its improvident inmates, and then call up in memory the glory which came out of that hovel, the glory which has since filled the earth, you will feel a deeper reverence and a stronger love for these institutions of ours than you ever felt before. There will come to you and upon you a feeling which both humbles and makes you brave; a yearning to know what is to be the ultimate destiny of a "government of the people, by the people, and for the people." And when you lingeringly and reluctantly come to take your leave of this humble, this appealing place, enriched and inspired with the sensations and the fancies of the brief hour, and turn your face again toward the real world with its fearful unrest, its turbulent, distressful, conditions, you will find yourself involuntarily saying: "Give us again leaders of courage, men of vision, men who believe that right makes might, men with faith in the efficiency, the strength, the permanency, and the ultimate triumph of this blessed old Republic."

XVI

THE MESSAGE OF THE CITIZENSHIP CONFERENCE TO THE AMERICAN PEOPLE

JOSEPH FORT NEWTON, D.D.,

Church of the Divine Paternity, City of New York. (Chairman of Committee.)

THE Citizenship Conference, including one thousand men and women from all parts of the country, representing the churches, social welfare organizations, and our law-abiding citizens generally, signalizes a new movement to secure for the Eighteenth Amendment such standards of enforcement as alone are worthy of the American nation.

We must enter upon a broad new stage of progress in this great national undertaking. In most parts of the country, marked gains have been made in eliminating the evils of alcoholism. The saloon has been well-nigh destroyed, and with it the vast corrupting power of the liquor interests in politics. The practicability of the enforcement of prohibition is being substantially proved. There are disturbing problems to be met in certain sections of the country, but such experience has been familiar in all the smaller units—town, county and state—in which the liquor trade has been successively overcome.

The settled determination that the Eighteenth Amendment and existing supplementary legislation shall be carried fully into effect is held today by a large majority of the voters of the nation. The fact that twenty-five million women have been added to the electorate since these enactments came into force removes all doubt on this vital point. The Nineteenth Amendment has come to the support of the Eighteenth.

The Conference asks the people of the country to concentrate their influence upon two groups which together make up the principal body of offenders against the Eighteenth Amendment. Not a few leaders in society, and young people who follow their example, are exhibiting the most baneful contempt for the process by which law is made and executed that the history of the United States has ever witnessed. To meet this, stern community sentiment along with the full power of the law, must everywhere be invoked. A certain element among aliens of different nationalities who defy our laws must be led to better counsels, or be brought to face increasingly drastic penalties.

The state of mind and fact thus exhibited is a direct challenge to all loyal and law-abiding citizens to choose between anarchy and ordered government, between the selfish interest of a minority and the moral intelligence of the people of the United States expressed and embodied in their fundamental law.

We call on all our fellow-citizens to renew their vows of obedience to the highest law of the land,

and to pledge their support in private practice and public influence to those responsible for its enforcement.

Let us re-mobilize and solidify the moral sentiment and power of the nation into practical action, both political and educational, behind the government, realizing that the faith, zeal and skill which enacted the law, are needed to enforce it.

The deliberations of this Conference will have a permanent place in the history of the struggle for national prohibition in this country. We have fired the opening gun in the Second Battle of the Marne. Its echoes will reverberate in every hamlet of our country and in the far reaches of our island possessions. Leaders of thought in many fields of endeavor have contributed to the rich store of fact and inspiration from which the conference sends this message to the American people.

1. We challenge those who are opposed to the Eighteenth Amendment to come out into the open, and have the courage to repeal the Amendment if they can and the manhood to observe it until they can. Hip-pocket guardians of liberty and defenders of the Constitution are teaching the doctrine of qualified allegiance. The man who upholds the Constitution must uphold the whole of it.

2. The Volstead Act must never be amended by its enemies. That way lies nullification. If it is ever to be amended, the amending must be done by its friends, not its foes. It must be amended not to prevent enforcement, but to perfect enforcement after a reasonable trial has demonstrated the way.

3. The time has arrived when the American people should see to it that only those are elected to public office who, in the words of Lincoln, will neither violate in the slightest particular the laws of the land, nor tolerate their violation by others. The state or federal official who does not respect the sanctity of his oath to support the federal Constitution should resign his office and give place to one who will neither violate his oath nor betray the confidence of the people. Too often members of Congress and of State Legislatures are violating the laws that they themselves have made. They should be retired to private life. Law-makers should not be law-breakers.

4. We emphasize the grave responsibility which rests upon the courts to compel obedience on the part of those who by open violation are bringing the administration of justice into disrepute. There is increasing evidence that after three years the judges are beginning to realize that the imposition of fines, which amount to nothing more than a small license tax on the vast profits of the illegal liquor traffic, is ineffectual to stop the criminal. We commend those judges who are promoting efficient enforcement of the Eighteenth Amendment by imposing jail sentences, and who, in injunction proceedings, are depriving offenders of the use of their property for saloons and other unlawful purposes.

Official tests show that over ninety per cent. of the liquor seized in all sections of the country contains poison in greater or less degree, and this imminent menace to life and health must be given increasing consideration by the Courts and juries in cases against illicit makers and sellers.

We urge upon the federal and state judges the need of more stringent action on the part of the courts to

prevent the law's delays, and of extreme penalties for persistent offenders to compel the law-breaker to cease his lawlessness and arouse in the cynical and indifferent a new respect for law.

5. When the press of the country carried a report, although incorrect, that an incoming ocean liner had been blocked by the rum fleet in entering New York Harbor, it shocked the moral sense and wounded the pride of the American people. They are impatient at the disgrace which attends the successful operations of the rum runners. They will not believe that the most powerful nation in the world is impotent to prevent the landing of illicit liquor on American soil.

In this juncture we look with confidence to the President of the United States. We ask him to place every available craft and every available agency which may lawfully be used for the purpose, to police our shores. We assure him of our support in using every power at his command to compel respect for constituted authority. An expectant nation looks to him to assert and maintain the majesty of the law.

6. The Eighteenth Amendment places equal responsibility for law enforcement on state and nation. We demand that every Governor of every state shall fully co-operate with the President in securing the enforcement of the Eighteenth Amendment and the Volstead Act. The states with many times the number of officers that the federal government has at its command, should face the responsibility of doing their share in this vital law enforcement work. With only 1,522 federal agents, and over 250,000 state and local agents, it is manifest that the citizens of the states must hold to greater responsibility their own officers.

7. Realizing the powerful influence of the press, and its vast opportunity through its editors, artists

and reporters to mould public opinion, we earnestly ask that it will not permit its news columns, its editorial pages, or its cartoons and illustrations to be used to promote disrespect for law or to hold up to ridicule and contempt our Constitution and our laws.

8. A democracy has been truly defined as "government by public opinion." On the people of this country rests the ultimate responsibility for law enforcement. Public officials can go only so far as we will go with them.

Our final appeal is to the people. Our homes, our schools, and our universities must instil a respect for law into the hearts and minds of the youth of today who are to be the citizens of tomorrow. Our churches must preach the gospel of loyalty. Every liberty-loving law-abiding citizen must stand up and be counted. When the supremacy of law is challenged, silence is acquiescence. Propaganda must be answered by truth. Complacency must give place to a militant spirit which shall awaken the conscience of the country.

"This is my covenant, saith the Lord, that I will put my laws in the hearts of the people and write them in their minds."

Inspired by this promise, we press on to achieve the realization of the aspiration of Lincoln that "reverence for law may become the political religion of the nation."

Printed in the United States of America

HON. WILLIAM JENNINGS BRYAN

Former Secretary of State.

In His Image

James Sprunt Lectures, 1921. $1.75.

New York Herald says: "This book is an event of importance. The author is spokesman for a large segment of the people, and his work is a frank, vigorous, often eloquent appeal to revelation to the Bible accepted literally as the supreme teacher....Modern science does not yield readily to any incantation or magic formula, but it will be ill-advised if it underestimates the potentialities of a Byranized education.....Mr. Bryan has the courage of his convictions and realizes that revealed religion must rest squarely upon the validity of its revelation."

S. A. STEEL, D.D.

The Modern Theory of the Bible

$1.25.

"The theory of modern rationalists is here answered. The author is an unflinching believer in the divine inspiration and authority of the Bible and his book is of strength and ability and attractiveness. It is refreshing to take up a volume of such virility and Christian loyalty to divine truth."—*Herald and Presbyter.*

WILLIAM BANCROFT HILL

Professor of Biblical Literature in Vassar College

The Apostolic Age

A Study of the Early Church and its Achievements. $2.00.

Dr. Hill, author of "The Life of Christ," furnishes a careful and an exhaustive study of the dawn-time of Christianity, in which he analyzes with great wealth of detail, the methods adopted and followed by the first heroes of the Cross. The author believes the Apostolic Age was the supremely great missionary age of the Church and should be studied as such.

JAMES E. DARBY, D.D. *Pastor First Baptist Church New Brighton, Pa.*

Jesus an Economic Mediator

God's Remedy for Industrial and International Ills. $1.50.

"Mr. Moody in his day felt that the Church had lost its grip on the masses. He thought he saw the chasm growing wider every day. Mr. Moody was not alone in his criticism. It is a well-known fact that a large body of workers criticize the Church as organized. They believe that she is supported by the privileged class. Dr. Darby's book will go far toward removing that reproach, if leaders in both camps—labor and capital, will study his message."—*Christian Index.*

ROGER W. BABSON — *Author of "Fundamentals of Prosperity," etc.*

New Tasks for Old Churches

Cloth, $1.00. Paper, ✠ 60c.

Suggestions for the solution of to-day's problems, clear-cut and courageous. Babson has little sympathy with the arguments of self-interest of business men or with the outworn methods of the church in industrial communities. His sole interest is in the physical, social, and spiritual salvation of the men, women, and children in our industrial centres.

PRES. WILLIAM ALLEN HARPER

Author of "The New Church For The New Time" etc.

The Church in the Present Crisis

$1.75.

Hon. Josephus Daniels says: "Dr. Harper has ably presented the demand that the church shape the thought and life of the future. The world, having tried everything else, is becoming convinced that no Golden Rule alone will be the savior. Dr. Harper wisely stresses study of the Bible, the Christian leaven in education, the duty to look difficult problems in the face and solve them by application of the Christian religion. It is a book of faith with wise directions and guidance.

REV. ALBERT F. McGARRAH

Author of "Modern Church Management."

Money Talks

Stimulating Studies in Christian Stewardship. $1.25.

Ministers and laymen, who desire to present convincingly the principles and practices which should govern Christians in getting and using money, will find here a wealth of fresh material, popular in style, yet deeply inspiring in tone. A companion volume to "Modern Church Finance" and "Modern Church Management."

LYMAN EDWYN DAVIS, D.D., LL.D.

Editor "Methodist Recorder."

Democratic Methodism in America

A Topical Survey of the Methodist Protestant Church.

$1.50.

A history of the Methodist Protestant church from its founding in 1830, pointing out the various links in the chain of circumstances which lead to the organization of the Methodist Protestant Church and the fundamental principles which prompted and justified the movement. It constitutes a vigorous and ably-argued plea for "mutual-rights" Methodism.

OZORA H. DAVIS, D.D.

President Chicago Theological Seminary.

Preaching the Social Gospel

$1.50.

The new book by the author of "Evangelistic Preaching" is the *next book* every preacher should read. As a high authority recently said "Every preacher needs to read books on preaching and the problems of preaching and should read one such book every year." It would be difficult to find a book that fits this need better than this latest work of President Davis'.

J. WILBUR CHAPMAN, D.D.

Evangelistic Sermons

Edited and Compiled by Edgar Whitaker Work, D.D., with Frontispiece. $1.50.

Strong, fervid gospel addresses, eminently characteristic of one of the great evangelists of his time. Dr. Work has used his editorial prerogatives with pronounced skill. As a result every paragraph is reminiscent of Dr. Chapman, and from every page of the book one seems to hear again the voice and compelling message of one who while living preached to possibly as many people as any man of his generation, who "being dead yet speaketh."

LOUIS ALBERT BANKS, D.D.

Author of "Thirty-one Revival Sermons"

The New Ten Commandments

and Other Sermons. $1.50.

Strong, stirring Gospel addresses reflecting the true evangelical note, Dr. Banks' latest volume, fully maintains his impressive, picturesque style of presentation. Apt quotation, fitting illustration, drawn from literature and human life give point and color to his work, which is without a dull or meaningless page.

FRANK CHALMERS McKEAN, A.M., D.D.

The Magnetism of Mystery

and Other Sermons

Introduction by J. A. Marquis, D.D. $1.25

Dr. John A. Marquis says: "Dr. McKean's sermons are shafts with points, and he hurls them with vigor and sureness. They will be read with interest, not only for what they are in themselves, but as types of the pulpit ministry that is making the Church of the Middle West."

JOHN HENRY JOWETT, D.D.

God Our Contemporary

A Series of Complete Addresses $1.50.

Among the pulpit-giants of to-day Dr. Jowett has been given a high place. Every preacher will want at once this latest product of his fertile mind. It consists of a series of full length sermons which are intended to show that only in God as revealed to us in Jesus Christ can we find the resources to meet the needs of human life.

SIDNEY BERRY, M.A.

Revealing Light $1.50.

A volume of addresses by the successor to Dr. Jowett at Carr's Lane Church, Birmingham, the underlying aim of which is to show what the Christian revelation means in relation to the great historic facts of the Faith and the response which those facts must awaken in the hearts of men to-day. Every address is an example of the best preaching of this famous "preacher to young men."

FREDERICK C. SPURR

Last Minister of Regent's Park Chapel, London.

The Master Key

A Study in World-Problems $1.35.

A fearless, clearly-reasoned restatement of the terms of the Christian Gospel and its relation to the travail through which the world is passing. Mr. Spurr is a man in the vanguard of religious thought, yet just as emphatically as any thinker of the old school, he insists on one Physician able to heal the wounds and woes of humanity.

RUSSELL H. CONWELL, D.D.

Pastor Baptist Temple, Philadelphia.

Unused Powers $1.25.

To "Acres of Diamonds," "The Angel's Lily," "Why Lincoln Laughed," "How to Live the Christ Life," and many other stirring volumes, Dr. Conwell has just added another made up of some of his choicest addresses. Dr. Conwell speaks, as he has always spoken, out of the experimental knowledge and practical wisdom of a man, who having long faced the stark realities of life, has been exalted thereby.

GAIUS GLENN ATKINS, D.D.

Minister of the First Congregational Church, Detroit, Michigan.

The Undiscovered Country $1.50.

A group of addresses marked by distinction of style and originality of approach. The title discourse furnishes a central theme to which those following stand in relation. Dr. Atkins' work, throughout, is marked by clarity of presentation, polished diction and forceful phrasing.

DATE DUE

United Theological Seminary Library
MAIN HV5089.S62 1924
Smith, Fred B Law vs. lawlessness :
3 0645 0001 7665 7